

SECTION 100

TITLE

"An ordinance establishing rules, regulations and standards governing the subdivision of land within the City of Lambertville pursuant to the authority set forth in Chapter 433 of the laws of 1953, and amendments and supplements thereto, setting forth the procedure to be followed by the Planning Board and governing body in applying and administering these rules, regulations and standards and providing penalties for the violation thereof."

The Board of Commissioners of the City of Lambertville, do ordain, as follows:

101

SHORT TITLE

This ordinance shall be known and may be cited as: The Land Subdivision Ordinance of the City of Lambertville.

SECTION 200

PURPOSE

201

The purpose of this ordinance shall be to provide rules, regulations and standards to guide land subdivision in the City of Lambertville in order to provide for the orderly growth and development of the City and to promote the comfort, health, safety, convenience and general welfare of the City in conformance with the City's Master Plan, Zoning Ordinance, and Official Map.

SECTION 300

APPROVING AGENCY

301

The Provisions of this ordinance shall be administered by the City Planning Board in accordance with 40:55-1.14 of the Municipal Planning Act (1953) and amendments and supplements thereto.

301.1 The City of Lambertville Planning Board when acting upon applications for the approval of subdivisions or a planned unit development plan shall have the power to grant such exceptions and variances from the requirements of "The Land Subdivision Ordinance of the City of Lambertville" and "Zoning Ordinance of the City of Lambertville" as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by both ordinances. In order for such exceptions and variances to be granted, the subdivider or his agent or the planned unit developer or his agent must clearly demonstrate to the satisfaction of the Planning Board that the literal enforcement of one or more of the provisions of either or both said ordinances is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

SECTION 400

DEFINITIONS

401

APPLICANT: Any owner or authorized representative of the owner, submitting plans for review and approval of a land subdivision in accordance with this ordinance.

402

CROSSWALK OR WALKWAY: A right-of-way, dedicated for public use, to facilitate pedestrian access through a subdivision.

403

CUL-DE-SAC: (See street)

ADOPTED MARCH 1, 1971

2/17/76

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-62a requires substantial consistency of the regulations governing zoning and land use development with the adopted Master Plan; and

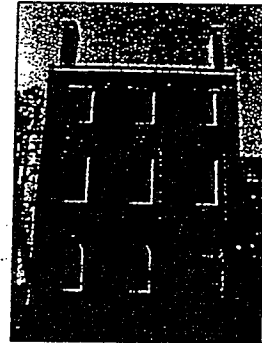
WHEREAS, the Planning Board has determined that these regulations are consistent with said Master Plan and favorably recommends to the City Council pursuant to Resolution No. __-__, dated December 1, 1999 that the regulations be so adopted.

NOW, THEREFORE, BE IT ENACTED and ORDAINED by the City Council of the City of Lambertville, in the County of Hunterdon as follows:

Section 1. Section 400, DEFINITIONS, of the Land Subdivision Ordinance of the City of Lambertville is hereby **AMENDED** to **ADD** the following definitions:

401.1 COMMUNITY DESIGN :(1) The process of organizing the contextual elements of the built environment such that the end result will be a place with its own character or identity or will maintain an existing character or identity; (2) planning the development of the built environment in a comprehensive manner to achieve a unified, functional, efficient, and aesthetically pleasing physical setting.

407.1 FEDERAL STYLE: This is one of the architectural styles built during the Colonial Period between 1780- 1820. Its characteristics are an elaborated entrance, with sidelights (windows) centered in a symmetrical façade of a large box-shaped (simple) mass. Federal style is also known as Adam style.



407.2 FENESTRATION: An opening in a building facade, such as a window or door.

408.1 MASSING: The three dimensional bulk of a building, often referred to as either simple or complex massing. A simple massing has a box like appearance. A complex massing is achieved through the use of various building projections such as bay windows, turrets, and setbacks.

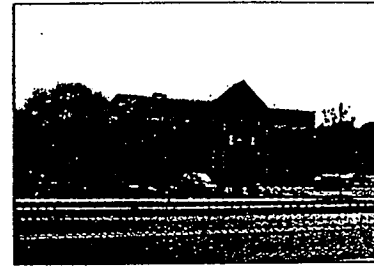
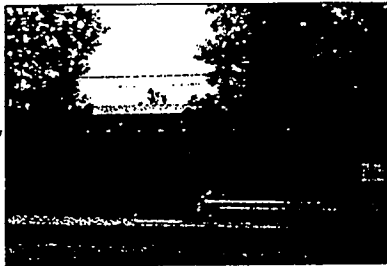


The building on the left has a complex massing as a result of its varying setbacks and projections. The building on the right has a simple massing – the facade is a single plane.



417.1 PROPORTION: The relationship or ratio between two dimensions, such as the height and width of windows, doors and a building.

418.1 RHYTHM OF OPENINGS: The number and spacing of windows and doors in a facade.



The first two buildings share a similar rhythm or spacing between windows and doors. The third building is different because there are fewer windows and the spacing between them is entirely different.

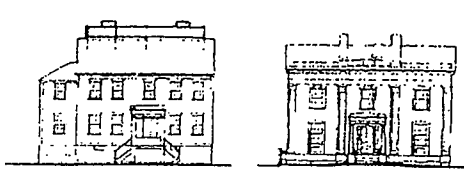


418.2 ROOF, GABLE: A roof with a central ridge line and one slope on each side. A gable is the triangular section of wall under the roof edge.



418.3 ROOF, MANSARD: A roof that is double pitched on all four sides, the lower slope being much steeper.

418.4 SCALE: The degree of relatedness to the size and proportions of a known unit of measurement, typically the human body. The size of the exterior wall planes (or architectural features) is one of the most important measurements of scale. If the wall plane is the approximate dimensions of the human body, it is of a human scale. If the size of the wall plane greatly exceeds the human body, it is referred to as a monumental scale. Most Greek Revival buildings are of a monumental scale because the large pillars usually extend to the roof line of the building.

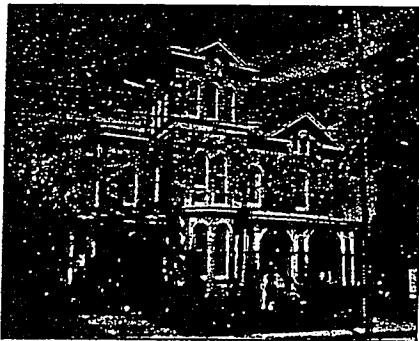


Two buildings of a similar size can have different scales. The building on the right may have a lower roof line, but the tall columns and the long windows give it a larger appearance and scale.



Human scale means that the openings and architectural features of a building are similar to that of a human body. Likewise, humans can readily relate to the building and are not dwarfed by it.

- 426 VERNACULAR STYLE: A building form native to a particular area based on tradition, but without regard for formal or precise styles.
- 427 VICTORIAN, STYLE: A variety of architectural styles imported from Europe during the reign of Queen Victoria. The styles are characteristically romantic and include bargeboard, turrets, elongated windows and doors, brackets and other ornamentation. Examples of Victorian styles include Italianate, Second Empire and Queen Anne.



Italianate



Second Empire



Queen Anne

404

DRAINAGE RIGHT-OF-WAY: The lands or interest in lands required for the installation of storm water sewers or drainage ditches, or land or interests therein required along a natural stream or water course for preserving the channel and providing for the flow of water therein so as to safe guard the public against flood damage in accordance with Chapter one of Title 58 of the Revised Statutes.

405

DWELLING UNIT: Any room or combination of rooms containing sleeping, cooking and sanitary facilities intended to provide living accommodations for a family or an individual.

406

EASEMENT: A use or burden imposed on real estate by deed or other local means to permit the use of land by the public, a corporation, or particular persons for specified uses.

407

FAMILY: One or more persons customarily living together as a single house-keeping unit related to each other by birth or marriage.

408

LOT: Any parcel, plot, site or portion of land separated or divided from other parcels or portions on any filed map in the register's office, by description on a subdivision plat, deed, record of survey or by metes and bounds.

409

PLANNING BOARD OR BOARD: The Planning Board, City of Lambertville, New Jersey

410

MASTER PLAN: A comprehensive plan consisting of mapped and written proposals for the future growth, protection and development of the City of Lambertville, recommending standards for the promotion of the comfort, convenience, public health, safety and general welfare of the community, and which shall have been duly adopted by the Planning Board.

411

OFFICIAL MAP: A map adopted by the City of Lambertville in accordance with the Official Map and Building Permit Act (1935) (R.S. 40:55-1.30 et seq.) Such a map shall be deemed conclusive with respect to the location and width of streets, drainage rights-of-way, and flood control basins, and the location and extent of public parks and playgrounds, and scenic and historic sites shown thereon.

412

OFFICIAL NOTICE: Notification of all property owners affected by a proposed subdivision within the limits defined in this ordinance by either a personal visit or registered mail, and the requirement to have a notice of the public hearing published in a newspaper of general circulation within the City at least 10 days prior to the hearing.

413

OWNER: Any individual, firm, association, syndicate, co-partnership, corporation or legal entity having legal title to the land.

414

PERFORMANCE GUARANTEE: The security which may be accepted to guarantee the completion of the required improvements before the Planning Board approves the plat

and shall include performance bonds with responsible surety authorized to do business in the State of New Jersey, or escrow agreements secured by cash, certified check or cashier's check.

415

PLAT, SKETCH: The sketch map of a proposed subdivision of sufficient accuracy to be used for the purpose of discussion and classification, meeting the requirements of Section 501 of this ordinance.

416

PLAT, PRELIMINARY: The preliminary map indicating the proposed layout of the subdivision which is submitted to the Secretary of the Planning Board for consideration and tentative approval and meeting the requirements of Section 502 of this ordinance.

417

PLAT, FINAL: The final map of all or a portion of the subdivision which is presented to the Planning Board for final approval in accordance with the regulations of section 503 of this ordinance, and which, if approved, shall be filed with the proper County Recording Officer.

418

RIGHT-OF-WAY: The land and space required on the surface, subsurface, and overhead for the construction and installation of materials necessary to provide passage-way for vehicular traffic, pedestrians, utility lines, poles, conduits and mains, signs, trees, and shrubbery and the proper amount of light and air as established by local authorities. Street rights-of-way shall be measured from lot line to lot line.

419

STREET: Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way which is an existing state, county, or city road-way or a street or right-of-way shown upon a plat approved pursuant to law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the County Clerk prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and includes the land between street lines, whether improved or unimproved, and may comprise pavements, shoulders, gutters, sidewalks, parking areas and other areas within the street lines. For the purpose of this ordinance, streets shall be classified as follows:

419.1

STREET, ARTERIAL: Used primarily for fast or heavy volumes of traffic and are those used generally to proceed between large areas of development such as commercial centers, industrial areas, and concentrated residential communities through or around the locality of the city.

419.2

STREET, COLLECTOR: Those which carry traffic from local streets to the arterial streets and designed to have considerable continuity and traffic capacity.

419.3

STREET, CUL-DE-SAC: A local dead-end street terminating in a circular, or other turn around area.

419.4

STREET, MINOR: Those streets which need be entered only for stopping at a destination on that street and which need not be used for general traffic circulation through the City.

420

SUBDIVIDER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this ordinance to effect a subdivision of land hereunder for himself or for another.

421

SUBDIVISION: The division of a lot, tract, or parcel of land into two or more lots, sites or other divisions of land or the combination of two or more lots into one or more lots, for the purpose, whether immediate or future, of sale or building development; except that the following divisions shall not be considered subdivisions, provided, however, that no new streets, or roads are involved; divisions of land for agricultural purposes where the resulting parcels are three acres or larger in size; divisions of property by testamentary or intestate provisions; divisions of property upon court order. Subdivision also includes re-subdivision and, where appropriate to the context relates to the process of subdividing or to the lands or territory divided.

422

SUBDIVISION COMMITTEE: A committee of at least three Planning Board members appointed by the Chairman of the Board with the consent of a majority of the Board for the purpose of classifying subdivisions in accordance with the provisions of this ordinance and of performing such other duties relating to land subdivision as may be conferred on this Committee by the Board.

423

SUBDIVISION MAJOR: All subdivisions not classified as minor subdivisions.

424

SUBDIVISION, MINOR: Any subdivision containing not more than three lots fronting on an existing street, or City maintained street, not involving any new street or road or the extension of municipal facilities or the installation of any street improvements, and not adversely affecting the development of the remainder of the parcel of adjoining property and not in conflict with any provision or portion of the master plan, official map, the City of Lambertville Zoning Ordinance or this ordinance. Any subdivision which involves a lot which was previously approved as a minor subdivision within a 3 year period prior to the application for another minor subdivision shall be classified as a major subdivision.

425

11/6/17
CONDITIONAL USE: A use which may be permitted in a district through the granting by the Planning Board of a special exception upon a finding by the Board that it meets specified conditions and is capable of existing in harmony with other uses situated in its immediate vicinity.

SECTION 500 PROCEDURES AND DETAILS

501

SUBMISSION OF SKETCH PLAT

501.1

PURPOSE FOR SUBMISSION OF SKETCH PLAT: A sketch plat is required of all owners, as herein defined, seeking a subdivision for the purpose of classification and preliminary discussion so that they may obtain the advice of the Planning Board, its Subdivision Committee, and other City Officials in the formative stages of the design, and for the purpose of assuring coordination with the Master Plan.

501.2

PROCEDURES FOR SUBMITTING SKETCH PLAT:

11/6/17
(a) Submit to the Secretary of the Planning Board at least thirty-five (35) days prior to the regular meeting of the Board, two (2) copies of the sketch plat application and eleven (11) copies of the sketch plat of the proposed subdivision for the purposes of classification, preliminary discussion and appropriate action.

S7

4/16/23
(b) Immediately upon receipt of the copies of the sketch plat, the Secretary of the Planning Board shall forward one (1) copy each to the County Planning Board, The Subdivision Committee, the City Engineer, the City Planning Consultant, and Building Inspector for their review and comments, with the remaining copies retained by the Planning Board. If within thirty (30) days after receiving said sketch plats, the County Planning Board, the City Engineer, the City Planning Consultant, and the Building Inspector do not return their copies and any comments to the Secretary of the Planning Board, said sketch plats shall be deemed to have been approved by them.

c. Whenever a sketch plat of a minor subdivision is submitted for review which fronts on an existing street, three (3) copies of deeds of dedication shall be included in the application to provide sufficient right-of-way where the existing street right-of-way is less than the minimum requirements of this ordinance or the adopted Master Plan. Whenever such land is dedicated in accordance with this section, the minimum required lot depth and lot area as required by this ordinance or the Zoning Ordinance of the City shall be reduced by the same dimension and area as dedicated to the City if the developer has no other adjacent lands to provide the minimum requirements.

d. If the sketch plat is classified as a Major Subdivision, a notation to that effect shall be made on the plat together with any recommendations and comments from the Planning Board and returned to the subdivider for compliance with Sections 502 and 503 of this ordinance.

e. If classified and approved as a minor subdivision by unanimous action of the Subdivision Committee, a notation to that effect will be made on the sketch plat which will be signed by the Chairman of the Subdivision Committee and, which will then be forwarded to the Chairman and Secretary of the Planning Board for their signatures.

f. The Subdivision Committee shall report its actions at the next regular meeting of the Planning Board.

g. Seven (7) copies of the approved sketch plat of a Minor Subdivision shall be prepared and distributed by the City Clerk as follows:

1. City Clerk.....1 Copy
2. City Planning Board.....1 Copy
3. City Engineer.....1 Copy
4. Building Inspector.....1 Copy
5. Tax Assessor.....1 Copy
6. County Planning Board.....1 Copy
7. Applicant.....1 Copy

h. The approved sketch plat of a minor subdivision shall be signed by the Chairman and Secretary of the Planning Board and be returned to the subdivider within one (1) week following the next regular meeting of the Planning Board.

i. The approval of a sketch plat of a minor subdivision shall expire ninety (90) days from the date of approval unless within such period either a deed description or plat map drawn in compliance with Chapter 358 of the Laws of 1953, as amended, is filed by the subdivider with the County Recording Officer and a copy of such deed or plat map together with the date and index reference of the filing with the

County Recording Officer is filed with the Secretary of the Planning Board and the City Clerk.

2/7/76
(j) At the time of submission of a sketch plat to the Secretary of the Planning Board a filing fee shall be paid to the Secretary of the Planning Board of \$50.00 to cover the cost of review.

501.3

DETAILS OF SKETCH PLAT: The sketch plat shall be based on tax map information or some other similarly accurate base at a scale preferably not smaller than 100 feet to the inch to enable the entire tract to be shown on one (1) sheet and shall show or include the following information:

a. A Key Map showing the location and approximate area of the subdivision in relation to the City.

b. A map of the entire tract(s) of land being subdivided showing all existing and proposed property lines, tax map sheet number, block number and lot numbers, easements, rights-of-way, street names, power lines, structures, streams, drainage facilities, and wooded areas within the area of the entire tract, and within 500 feet thereof.

c. A title block giving the name of the subdivision, the present owner of the land present owner of all adjacent properties, name and license number of the person who prepared the map, scale of the map, north arrow, proposed number of dwelling units and type, if any, and space for the signatures of the Chairman and Secretary of the Planning Board.

d. All plats shall conform to the requirements of the City Zoning Ordinance.

502

SUBMISSION OF PRELIMINARY PLAT

502.1

PURPOSE FOR SUBMISSION OF PRELIMINARY PLAT: The preliminary plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Board. They show the general design of the subdivision and its public improvements so that the Planning Board can indicate its approval or disapproval of the subdivision prior to the time that the final plat, including the design and detailing of the public improvements and utilities, is completed.

502.2

PROCEDURES FOR SUBMITTING PRELIMINARY PLAT:

A. A Preliminary Plat shall be submitted to the Secretary of the Planning Board at least three (3) weeks prior to the Planning Board meeting at which consideration is desired. It shall be submitted in at least eleven (11) blue or black on white prints and shall be accompanied by three (3) completed copies of the application for preliminary approval as well as three (3) copies of any protective covenants or deed restrictions applying to the land being subdivided. In addition, the subdivider shall make applications to the County Planning Board for approval of the plat in accordance with the procedures established by the County.

b. At the time of submission, a fee of \$25.00 plus \$35.00 for each lot proposed in the subdivision shall be paid to the City to cover costs. If upon tentative approval the number of lots is less than originally proposed, a refund of \$35.00 for each lot eliminated will be made to the subdivider.

c. The Subdivider shall mail a notice at least ten (10) days prior to the public hearing to all property owners within two hundred (200) feet of the extreme limits of the subdivision as their names appear on the City tax record and shall furnish

the Planning Board with proof of such service. The subdivider shall cause notice of the hearing to be published in the official newspaper or a newspaper of general circulation in the City at least ten (10) days prior to the hearing. Such notice shall state the time and place of the hearing, a brief description of the property involved, a statement as to its location, a list of the maps and other documents to be considered, a summary statement of the matters to be heard and that a copy of said subdivision has been filed with the City Clerk for public inspection. (R.S. 40:55-1.7). The subdivider shall furnish the Planning Board with proof of publication.

d. Submission of the preliminary plat shall include a letter directed to the Chairman of the Planning Board signed by a responsible official of: (1) the State and/or County Highway Department, approving proposed construction on State and/or County rights-of-way and (2) the State and local agency approving of the method of waste disposal and water distribution.

e. If the preliminary plat lies within 200 feet of another municipal boundary, a copy of the plat shall be sent by the Planning Board Secretary to the Secretary of the Planning Board of the adjoining municipality. A written statement shall be requested from the adjoining municipality indicating whether the proposed subdivision is in reasonable harmony with its plans for development. The Secretary of the Planning Board of the adjoining community shall be informed of the date of the public hearing and any communications received prior to this date will be considered in relation to the approval or disapproval of the plat.

f. A letter directed to the Chairman of the Planning Board signed by the Secretary or a responsible official as designated by the Board of Education shall be requested by the Planning Board acknowledging the number of residential units and indicating the availability of school sites and facilities which relate to the subdivision area.

g. The Secretary shall retain one complete set of maps and application forms of the preliminary submission for the Planning Board and one complete set of plans shall be forwarded by the Secretary immediately upon receipt of the plans to the following:

1. City Clerk
2. County Planning Board
3. City Engineer
4. Building Inspector
5. Secretary of the Board of Health
6. Planning Board of adjoining municipality where applicable according to Section 502.2(e).
7. Such other Municipal, County or State officials as directed by the Planning Board.

h. The Planning Board shall take formal action either approving or disapproving the preliminary plat within ninety (90) days after its submission to the Secretary of the Planning Board, but in no case before a public hearing is held or before the expiration of the thirty (30) day period within which the County Planning Board may submit a report on said subdivision. The recommendations of the County Planning Board shall be given due consideration in the final decision on the plat.

i. If the plat is disapproved, by either the City or the County, the reasons for disapproval shall be given in writing to the subdivider within the ninety (90)

day period, and, in appropriate cases, shall be remedied by the subdivider prior to further consideration of the plan.

j. If the Planning Board acts favorably on a preliminary plat, the Chairman and Secretary shall affix their signature to the plat with the notation that it has received tentative approval and the plat shall be returned to the subdivider for compliance with final approval requirements.

k. Tentative approval shall confer upon the applicant the following rights for a three (3) year period from the date of tentative approval:

1. That the general terms and conditions upon which the tentative approval was granted will not be changed.
2. That the said applicant may submit on or before the expiration date, the whole, or part or parts of said plat for final approval.

502.3

DETAILS OF PRELIMINARY PLAT

A. The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of not smaller than one (1) inch equals One hundred (100) feet and shall be designed by a licensed (N.J.) land surveyor, or a licensed (N.J.) professional engineer. The plat shall be designed in compliance with the provisions of Section 600 of this ordinance and shall show or be accompanied by the information required in Section 502.3,b.

b. The preliminary plat shall include the following information and shall show the location of the proposed site and approximate area of the subdivision in relation to the City.

1. TITLE BLOCK

- (a) Name of subdivision
- (b) Name and address of subdivider.
- (c) Name and address of the owner of record.
- (d) Name and address of all property owners within two hundred (200) feet of the extreme limits of the subdivision.
- (e) Name, address and profession of the person who prepared the drawing together with his license number and seal.
- (f) Acreage of tract to be subdivided to nearest tenth of an acre.
- (g) Proposed number of dwelling units and type.
- (h) Scale.
- (i) Date of submission of each plat and of each subsequent revised subdivision.

2. Sufficient elevation or contours to determine the general slope and natural drainage of the land to points extending two hundred (200) feet beyond the subdivision boundary.

3. North Arrow

4. Subdivision boundary line (heavy solid line)
5. The location of existing water courses and any natural features such as wooded area and rock formations to the proper scales both within the proposed site and within two hundred (200) feet of its boundary.
6. (a) Street rights-of-way of subdivision and within two hundred (200) feet of its boundaries.
 - 1/ Name of each street
 - 2/ Location and width
 - 3/ Centerline elevation at intersections and other critical points
 - 4/ Typical cross sections and centerline profiles for all proposed new streets
- (b) Other rights-of-way and easements on the subdivision and within two hundred (200) feet of its boundaries.
 - 1/ Identification and description
 - 2/ Location and width
 - 3/ Restrictions of use, if any
- (c) Drainage structures on the subdivision and within two hundred (200) feet of its boundaries.
 - 1/ Type of structure
 - 2/ Location, invert elevations, gradients, and sizes of all pipe and of all other structures where applicable.
- (d) Other utility structures such as water, sewer and gas mains and power lines on the subdivision and within two hundred (200) feet of its boundaries.
 - 1/ Location and size or capacity
- (e) Marshes, ponds, streams and land subject to periodic flooding on the subdivision and within two hundred (200) feet of its boundaries showing the location and area covered and indicating apparent high water level.
- (f) Lot Layout
 - 1/ Lot lines and dimensions of each lot to the nearest foot
 - 2/ Building setback lines (dashed) and its dimensions from the street line
 - 3/ Existing zoning and the boundaries thereof
 - 4/ Identification of lots or parcels for land use and land to be reserved or dedicated to public use, if any
 - 5/ Easements and restricted areas with notation as to purpose of restrictions
- (g) Buildings and other structures located on the subdivision and within two hundred (200) feet of its boundaries

- (h) All plats shall conform to the requirements of the City Zoning Ordinance.

502.4

IMPROVEMENTS OR GUARANTEES PRIOR TO FINAL APPROVAL

Before consideration of a final subdivision plat, the subdivider shall have install or shall have posted adequate performance guarantees to assure the installation of the required improvements in accordance with Section 700.

503

SUBMISSION OF FINAL PLAT

503.1

PURPOSE FOR SUBMISSION OF FINAL PLAT: A final plat and supporting drawings and documents for a proposed subdivision constitute the complete development of the subdivision proposal and include the recommendations resulting from the Planning Board review of the preliminary plat as well as the detailed layout drawings for the public improvements and utilities. After public hearing and approval by the Planning Board, this complete submission accompanied by the performance guarantee according to Section 700 and the provision of the liability insurance policy as approved by the governing body according to Section 800 of this ordinance, becomes the basis for the construction of the subdivision and inspection service by the City and Planning Board. The plat itself must be recorded at the County Recorder's Office to have legal status. An unrecorded plat is not a valid basis for site improvements or other commitments which depend on its design characteristics.

503.2

PROCEDURES FOR SUBMITTING FINAL PLAT:

- a. A final plat shall be submitted by the subdivider or his agent to the Secretary of the Planning Board within three (3) years from the date of approval of the preliminary plat. The final plat and all supporting drawings and documents shall be submitted to the Secretary of the Planning Board at least fifteen (15) days prior to a meeting date in order to be heard at that particular meeting. The Planning Board shall act upon the final plat within forty-five (45) days after the regular meeting at which it is presented for final approval or within such further time as the applying party may agree to.
- b. Before making application to the Planning Board for final approval, the subdivider shall carry out the following steps:
 1. Make all required corrections requested subject to preliminary plat approval.
 2. Complete three (3) copies of an application for final approval.
 3. Pay the required application and inspection fee at the City Clerk's Office. (See Section 503.2,1)
 4. Obtain a general liability insurance policy and submit a copy to the City Clerk for submission to the City Attorney for approval as to form. (See Section 800.)

5. Prepare prints for distribution and filing with the following:

- (a) County Planning Board (1 copy)
 - (b) City Clerk (1 copy)
 - (c) Planning Board (3 copies)
 - (d) City Engineer (1 copy)
 - (e) Building Inspector (1 copy)
 - (f) Applicant (1 copy)
- c. The final plat shall be accompanied by a statement by the City Engineer certifying the accuracy of the details of the plat, and that he is in receipt of a map or maps showing in exact location and elevation, the water, sanitary and storm sewer mains and streets identifying those portions already installed and those to be installed and that the subdivider has posted the performance guarantee required in accordance with Section 700 of this ordinance.
- d. The final plat shall be accompanied by letters directed to the Chairman of the Planning Board and signed by a responsible official of the water company, government authority or district which provides water, sanitary or storm sewer service that has jurisdiction in the area approving each proposed utility installation design and stating who will construct the facility so that service will be available when required in conformity with the provisions of the filed rate schedule.
- e. Submission of the final plat shall include of three (3) copies each Deeds of Dedication for all properties including any streets rights-of-way to be offered to the City for dedication.
- f. If the Planning Board approves a final plat a notation to that effect shall be made on three (3) copies of the plat and shall be signed by the Chairman and Secretary of the Planning Board.
- g. Failure of the Planning Board to act within forty-five (45) days or a mutually agreed upon extension shall be deemed to be favorable approval and the secretary of the Planning Board shall issue a certificate to that effect.
- h. The final plat, after final approval shall be filed by the Subdivider with the County Recording Officer within ninety (90) days from the date of such approval. No plat shall be accepted for filing by the County Recording Officer unless it has been duly approved by the Planning Board and signed by the Chairman and Secretary. If any final plat is not filed within this period, the approval shall expire.
- i. Expiration of approval shall mean the previous approval by the Planning Board is null and void and, in order to obtain a reapproval a new filing fee as well as a review of all previous findings must be conducted.
- j. Upon application by the subdivider showing good cause, the Planning Board may make a reasonable extension of the time within which the subdivider must file with the County Recording Officer provided, however, that the plat be revised according to any change in regulations or ordinances applicable to the plat subsequent to the original time period of ninety (90) days or the extended period of time granted by the Board.
- k. If any person shall be aggrieved by the action of the Planning Board, appeal

in writing to the governing body may be taken within ten (10) days after the date of the action of the Planning Board. A hearing thereon shall be had on notice to all parties in interest who shall be afforded an opportunity to be heard. After such hearing the governing body may affirm or reverse the action of the Planning Board by a recorded vote of a majority of the total members thereof. The findings and reasons for the disposition of the appeal shall be stated on the records of the governing body, and the applying party shall be given a copy.

1. Each application submitted for final approval of final plat shall be accompanied by a fee payable to the City of Lambertville of \$25.00 plus \$5.00 for each lot or dwelling unit shown on the final plat to cover costs. An additional fee amounting to 5 percent of the amount of the performance guarantee estimate shall be paid to the City upon approval of plans for improvements and cost estimates by the City Engineer to cover the cost of engineering inspections of construction work. If the inspection costs exceed such fund, the subdivider shall deposit with the City additional sums upon notice from the City Engineer. The City Treasurer shall return any balance of the inspection deposit to the subdivider upon expiration of the maintenance bond.

503.3

DETAILS OF FINAL PLAT:

- a. The final plat for all, part, or parts of the subdivision shall be drawn in ink on tracing cloth with 12 copies at a scale of not less than one (1) inch equals one hundred (100) feet and in compliance with all the requirements for filing a map with the County Recording Office and shall be designed in compliance with the provisions of Section 600 of this ordinance. The final plat shall show or be accompanied by the same information required for preliminary approval in addition to the following:
 1. Each block and lot shall be numbered in conformity to existing tax map procedures.
 2. Bearing or deflection angles and radii, arcs and center angles of all curves.
 3. Contours at two (2) foot intervals extending two hundred (200) feet beyond the boundary of the subdivision.
 4. Certification that the applicant is agent or owner of the land, or that the owner has given consent under an option agreement for the dedication of streets, alleys, easements and other rights of-way and any lands for public uses.
 5. Certification from the tax collector that all taxes are paid to date.
 6. At least one (1) corner of the subdivision shall be tied to a U.S.G.S. benchmark or benchmarks with date on the plat as to how the bearings were determined. Monuments, lots, corners and other survey points shall be located and described. (See Section 607)

7. When approval of the plat is required by any officer or body of the City, County, or State, approval shall be certified on that plat.
 8. Public Improvement and Utility plans and profiles are declared an integral part of the final plat submission and compliance therewith and with the final plat itself, this subdivision ordinance and the City's specifications for public improvements and utilities as mentioned in Section 600 shall be secured by the performance guarantee. The plans of the basic improvements and utilities shall include:
 - (a) The same area with the same scale and title block as required on the preliminary plat.
(See Section 502.3, b(1))
 - (b) Other details as specified in Section 608 and 609.
- b. All plats shall conform to the requirements of the city Zoning Ordinance.

503.4

DISTRIBUTION OF APPROVED PLATS

The Secretary of the Planning Board shall file copies of the final approved plat with:

1. City Clerk
2. City Engineer
3. Building Inspector
4. Board of Tax Assessors
5. County Planning Board
6. Sanitary Inspector
7. Planning Board
8. Police Department
9. Official issuing certificate for approved lots.

504

CERTIFICATE SHOWING APPROVAL

504.1

The prospective purchaser, prospective mortgagee, or any other person interested in any land which forms part of a subdivision, or which, since the thirteenth day of June, one thousand nine hundred and fifty-one, formed part of such a subdivision, may apply in writing to the Secretary of the Planning Board, for the issuance of a certificate certifying whether or not such subdivision has been approved by the planning board. Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate, and the name of the owner thereof.

The Secretary of the Planning Board shall issue such certificate within fifteen days after the receipt of such written application and the fees therefor and shall keep a duplicate copy of each certificate, consecutively numbered in a binder as a permanent record of his office.

504.2

Each such certificate shall be designated a "certificate as to approval of subdivision of land," and shall certify:

- a. That there exists in said municipality a duly established planning board which meets regularly on a monthly or more frequent basis and that there is an ordinance controlling subdivisions of land, adopted under the authority of state law.
- b. Whether the subdivision or resubdivision, as it relates to the land shown in said application, has been approved by the planning board, and, if so, the date of such approval.
- c. Whether such subdivision or resubdivision, if the same has not been approved, is exempt from the requirement of approval as provided in the subdivision ordinance.

SECTION 600 IMPROVEMENTS AND DESIGN STANDARDS

The subdivider shall regard the following requirements and principles of land subdivision in the design of each subdivision or portion thereof. Prior to the granting of final approval, the subdivider shall have furnished performance guarantees for the ultimate installation or install, the following items. The subdivision shall conform to the proposals and conditions shown on the Official Map and the Master Plan of the City.

601

STREETS AND HIGHWAYS

~~601.1~~

Subdivisions shall be served by paved public streets and all new streets shall be graded and provided with an all weather base and pavement with an adequate crown in keeping with City specifications and standards.

601.2

The arrangements of new streets constructed or to be constructed in subdivisions shall be such as to provide for the continuous extension of existing, mapped, or potential streets.

601.3

No subdivision showing reserve strips controlling access to another area, either developed or undeveloped, shall be approved except where the control and disposal of land comprising such strips has been given to the governing body after recommendation by the Planning Board.

601.4

Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan, Official Map, or the street width requirements of this ordinance, shall dedicate additional width along one or both sides of said road. If the subdivision is along one side only, one-half of the required extra width shall be dedicated.

601.5 width

The right-of-way shall be measured from lot line to lot line and shall not be less than the following:

- a. Arterial streets 80 feet

- b. Collector streets 60 feet
- c. Minor streets 50 feet
- d. The right-of-way width for internal roads and alleys in multi-family commercial and industrial development shall be determined on an individual basis and shall in all cases be of sufficient width and design to safely accommodate the maximum traffic, parking and loading needs and maximum access for fire fighting equipment.
- e. Subdivisions abutting or containing existing or proposed arterial streets should provide a marginal service road or service frontage with a buffer strip for screen planting or some other means, such as reserve strips, to separate through and local traffic and to provide for protection of residential properties.

601.6

Street intersections shall be as nearly at right angles as is possible and in no case shall be less than sixty (60) degrees. No more than two streets shall meet or intersect at any one point and centerlines of both intersecting streets shall pass through a common point. Measuring from this common point, two intersections shall be spaced at a minimum of one hundred twenty-five (125) feet. The block corners at intersections shall be rounded at the curb line with a curve having a radius of not less than twenty (20) feet. No shrubbery, signs, trees, monuments or other visual obstruction to signs or line of sight over three (3) feet in height shall be permitted along or within the street right-of-way line within twenty-five (25) feet of any intersection.

601.7

Where streets have a reserve curve, a tangent of at least one hundred (100) feet in length shall be required.

601.8

6/16/75 Grades of arterial streets shall not exceed 6% and grades of collector streets shall not exceed 10%. Grades of other streets shall not exceed 10%. No street shall have a minimum grade of less than one-half of 1%.

601.9

All changes in grade where algebraic difference in grade is one percent or greater shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance, but not so great as to create drainage problems. Sight distance shall be at least three hundred fifty (350) feet for local streets.

601.10

When connecting street lines deflect from each other at any one point by more than ten (10) degrees and not more than forty-five (45) degrees, they shall be connected by a curve with a radius of not less than one hundred (100) feet.

601.11

6/16/75 Cul-de-sac streets may be used to discourage through traffic. Where cul-de-sac streets are used, they shall be designed so that adequate surface drainage is provided and should be no longer than 600 feet. However, the maximum length may be extended by the reviewing agency where cartway capacity is not exceeded and site conditions dictate such extensions. A cul-de-sac shall provide a turnaround at the end and the minimum right-of-way at the turnaround shall be a radius of at least fifty (50) feet and tangent, whenever practicable, to the right side of the street.

601.12

All driveways or other off-street parking areas shall have driveway aprons extending from the curb line to the front property line. The driveway aprons shall be at least twelve (12) feet wide at the curb and a minimum of ten (10) feet at the property line and meeting the same construction specifications as the street. Continuous open driveways in excess of fifteen (15) feet resulting in the elimination of curbing along city streets shall be prohibited.

601.13

No street shall have a name which will duplicate or so nearly duplicate the name of an existing street that confusion results. The continuation of an existing street shall have the same name. Curvilinear streets shall change their names only at street intersections or in accordance with Section 602 of this ordinance.

601.14

The length, width or acreage of blocks shall be determined with due regard to the limitations and opportunities of topography and shall be such as to be sufficient to meet all the area, yard, and parking requirements for such particular uses as expressed in the zoning ordinance as well as providing for convenient access, circulation control and safety of street traffic.

(601.15) Lot dimensions and area shall not be less than 50 feet in width at the street line by 100 feet in depth and 5000 square feet or the requirements of the zoning ordinance of the City and, in so far as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.

601.16

Where extra width has been dedicated for widening of existing streets, lots shall begin at such new line and all setbacks shall be measured from such new line.

601.17

Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold favorable referral of such lots.

601.18

Where the property to be subdivided is next to or includes a railroad right-of-way, suitable provisions shall be made for such things as road crossings, screening or buffers, freight access, warning signals and signs in recognition of the relationship between the railroad and the subdivision.

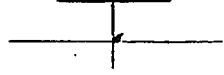
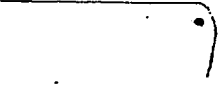

602

STREET NAME SIGNS

602.1

Street name signs meeting City specifications as to size, material and location shall be installed at the intersection of all streets and at such places on curvilinear streets as noted below:

AMENDED
9/20/01

- | <u>Description</u> | <u>Example</u> |
|--|---|
| a. At right intersections |  |
| b. When two (2) roads intersecting at right angles are connected by a curve. |  |
| c. At the peak of the curve connecting two parallel streets when the length of the streets exceeds the length of a loop. |  |

602.2

Where traffic control signs are deemed necessary by the Planning Board and City Engineer to city, county or state highways, the proper city, county or state official shall be informed of the proposed installation in order that the proper agency may consider the necessity of the installation at its own expense.

602.3

All street name and traffic control signs shall be installed free of visual obstruction.

603

CURBS AND GUTTERS

603.1

6/16/75
Curbing and gutters shall normally be required along all public streets within the subdivision. However, curbs and gutters may be eliminated along private streets where an acceptable comprehensive drainage system is provided. This system may include a system of swales, retention, detention and recharge structures.

603.2

The minimum standards in regards to width of gutters, height of curbing, base material, surface material, slope, depth of gutters crossing intersections, and the installation of catch basins, shall be according to the requirements of this ordinance (Section 608) and the specifications of the City approved by the City Engineer or, in the case of county or state highways, the proper County or State Official.

603.3

Curbs and gutters shall be adequate to handle the maximum water run-off from tributary lands.

604 SIDEWALKS

604.1

6/16/75
Minimum four (4) foot wide sidewalks shall be provided along all streets in residential, commercial and industrial area. However, sidewalks adjacent to circulation and collection streets may be eliminated where an alternate pedestrian circulation system is provided to the satisfaction of the Planning Board.

604.2

In blocks over 1000 feet long pedestrian cross-walks may be required in locations deemed necessary by the planning board. Such walkway shall be ten (10) feet wide and be straight from street to street.

604.3

Continuous paving shall also be available from the sidewalk to the main entrance or entrances of the building.

604.4

All sidewalks shall be located a minimum of one (1) foot within the street right-of-way.

604.5

All sidewalks shall have a slope of 1/4 inch per foot toward the gutter.

605

SHADE TREES AND PLANTING STRIPS

605.1

Shade trees shall be provided in all major residential subdivisions and in subdivisions of other kinds where deemed appropriate by the Planning Board. Trees shall be planted within the subdivision along each side of the street at proper intervals and in types, sizes and locations conducive to healthy growth with graded and seeded or sodded planting strips within street rights-of-way and according to any standards adopted by the governing body so as not to interfere with street paving, sidewalks or utilities.

605.2

All trees should be of nursery stock of no less than 2-1/2 inches in diameter and of an approved species grown under the same climatic conditions as at the location of the development. They shall be of symmetrical growth, free of insect pests and disease, suitable for street use, durable under the maintenance contemplated, and approved by the governing body.

606

TOP SOIL PROTECTION

No top soil shall be removed from areas intended for lawn or open space. Top soil moved during the course of construction shall be redistributed within the subdivision so as to provide at least six (6) inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.

607

MONUMENTS

Monuments shall be of hard durable material, constructed in accordance with City specifications and be firmly set in the ground in the required locations so as to be visible at the points as required in Section 4 of Chapter 358 of the Laws of 1953.

608

DRAINAGE SYSTEM

608.1

A preliminary grading and drainage system plan shall be a part of the preliminary plat. It shall indicate in general terms a proposal for an adequate system of drainage structures to carry off and store or discharge the storm water run-off and natural drainage water which originates not only within the property boundaries, but also that which originates beyond the property boundaries.

608.2

The public improvement and utilities plan and profiles shall show the final drainage plan and street profiles. They shall be prepared and submitted with the final plat after the approval of the preliminary plat and drainage plan. (See Section 503.3, a, 8)

608.3

No storm water run-off or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.

608.4

An existing ditch or brook right-of-way shall be offered for dedication to the City for drainage purposes. Such right-of-way shall be shown on the drainage plan and on the final plat and shall be of sufficient width to include a ten (10) access strip in addition to the width of the ditch or brook as measured from bank top to bank top.

608.5

Drainage structures which are located on state or county highway rights-of-way shall be approved by the state or county highway departments and a letter from that office indicating such approval shall be directed to the Chairman of the Planning Board and shall be received prior to favorably referring the final plat.

608.6

Where a subdivision is traversed by a watercourse, drainageway channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.

608.7

Land subject to periodic or occasional flooding shall not be plotted for residential occupancy nor for any other use which may endanger life or property or aggravate the flood hazard. Such land within a plat shall be considered for park purposes. However, nothing in this ordinance shall be construed to prevent a developer from adequately filling the land or constructing bulkheads, provided the bulkheads meet the requirements of the City of Lambertville, the City Engineer and that the finished grade shall be a minimum of five (5) feet above mean high tide or the water surface, in order to develop the land.

609

PUBLIC UTILITIES

609.1

In large scale developments, easements along rear property lines or elsewhere, for utility installation, may be required. Such easements shall be at least fifteen (15) feet wide and located in consultation with the companies and City departments concerned.

609.2

All public water, fire hydrants, storm sewer and sanitary sewer mains shall be installed in accordance with the specifications of the governmental authority, or utility company which has jurisdiction in the area.

609.3

A letter approving such a proposed installation and a statement as to who will carry out the construction, signed by a responsible official of the governmental authority or utility company which has jurisdiction in the area, shall be directed to the Chairman of the Planning Board and shall be received prior to favorably referring the final plat.

609.4

All utilities, where economically feasible shall be placed underground. The burden of proof to show that such placement is uneconomical shall be on the applicant.

610

NATURAL FEATURES

610.1

Natural features such as trees, views, natural terrain and brooks shall be preserved whenever possible in designing any subdivision containing such features. On individual lots or parcels, care shall be taken to preserve selected trees to enhance the landscape treatment of the development.

610.2

Natural fertility of the soil shall be preserved by disturbing it as little as possible. The protection of top soil shall be enhanced by adhering to the requirements of Section 606 of this ordinance.

611

LAND USE

611.1

Proposed land uses shall conform to the City Zoning Ordinance, the Master Plan, the Official Map and the provisions of this ordinance.

611.2

Subdivision designs shall be related in a compatible fashion to adjacent land uses indicating the location of buffer zones, where deemed necessary by the board, and the design and relationship of vehicular and pedestrian traffic.

Section 2. Section 612, COMMUNITY DESIGN GUIDELINES FOR COMMERCIAL DISTRICTS of the Land Subdivision Ordinance of the City of Lambertville is hereby ADDED as follows.

§ 612 Community Design Guidelines for Commercial Districts.

612.1 PURPOSE AND APPLICATION.

- A. This section shall apply to all commercial and office zoning districts in Lambertville: Highway Commercial, Office, General Commercial, and Central Business District.
- B. The purpose of the community design guidelines is to ensure that new and redeveloped sites are compatible with existing sites in terms of objective and measurable design concepts. Lambertville is a 19th century historic town with many of its original buildings still intact. These historic buildings and the scenic attractions of the hillsides, forests and water bodies make Lambertville a unique and charming place to live and work. The design guidelines in this section are intended to guide new development and alterations to existing buildings so that it complements and enhances the City's visual environment.
- C. It is intended that this section provide builders, landowners and developers with clear and articulate advice for developing and building in Lambertville. This predictable and objective process should not be a hurdle in the planning review process, but provide direction to an applicant before significant resources are committed to an application.

612.2 GOALS. The following goals and the Lambertville Master Plan provide the basis for the community design guidelines.

- A. To maintain and/or increase property values;
- B. To maintain the visual interest and diversity of the City;
- C. To provide for social activities, such as places to walk, sit, and socialize;
- D. To protect the character of the City by minimizing contrasting styles of development.

612.3 HISTORICAL BACKGROUND.

There are many buildings in Lambertville's commercial and office districts dating back to the 19th and early 20th century. These buildings noticeably reflect the architectural elements and styles of the Victorian and colonial revival period, such as the long arched or segmented windows, articulated cornices and architectural details such as dentils and brackets. The buildings were typically constructed of natural building materials, such as brick, stucco or clapboard. Many of the buildings also have landscaping, street trees, and planter boxes. The use of flagstone and brick pathways and wrought iron and wooden fences significantly adds a textural richness to the building sites and the City landscape. This combination of architectural detail and site design has made the buildings in the commercial and office districts compatible with their residential neighbors and attractive sites in their own right.

It is hoped that new buildings in the City be designed sensitively to respect the City's context: a historic and natural landscape that is enjoyed by both City residents and visitors. While it is not the intention of this ordinance to inhibit architectural creativity or individuality, incorporating similar architectural and site features in new and redeveloped sites will weave a common thread throughout the City and protect the cohesive landscape that gives Lambertville its unique and charming character.

612.4 SITE PLANNING AND ARCHITECTURAL STANDARDS.

- A. New development shall resemble existing buildings in the district in terms of roof shape, massing, orientation, proportion, scale, and rhythm of openings.
- B. The exterior walls of buildings shall be made of traditional building materials such as stone, brick, wood, or stucco. Pole barns or prefabricated metal buildings should be avoided. Modular structures should only be permitted if their architecture follows all other recommended guidelines and standards in this section.
- C. The exterior walls of buildings, as seen from a public right-of-way, shall be designed to provide a visual diversity that is consistent with architecture found throughout the City. Blank exterior walls are discouraged. Exterior walls shall include

windows, doors, porches, pilasters, horizontal/vertical building elements and/or other similar architectural features to relieve the monotony of a blank wall.

- D. Awnings/canopies should be made of canvas or modern materials that mimic canvas with traditionally dyed colors in solids or stripes.
- E. Street and site furnishings shall be incorporated into developments within the central business district, such as flower boxes, arbors, planters, benches, and waste receptacles.
- F. The central business district shall include highly visible public spaces within commercial areas for people to gather, rest and socialize.
- G. All utility boxes and HVAC exterior equipment shall be screened by architectural elements or landscape plantings.

612.5 LANDSCAPING.

- A. Landscaped buffers between non-residential and residential uses shall be provided.
- B. Landscaping, planters, and hedges shall be incorporated in to new development proposals using native plant material.
- C. Street trees shall be provided at the recommendation of the Shade Tree Commission.
- D. Existing natural vegetation, hedgerows, tree lines, and stone rows shall be incorporated into the landscape plan of the new development.
- E. New development shall follow the existing grade of the land to the greatest extent possible to minimize cut, fill and general alterations to the landscapes. Limits of clearing should be shown on plans and no soil or vegetation shall be disturbed beyond those limits.
- F. Landscaping shall be used to soften the corners and edges of buildings.

- G. A landscape design shall be provided as part of site plan and subdivision submissions in accordance with Article VIII. Every applicant for subdivision or site plan approval shall comply with the minimum standards as set forth in this section.
- H. All plants shall be tolerant of specific site conditions. The use of indigenous species is strongly encouraged. Exotic, non-native invasive plant species shall not be permitted.

612.6 VEHICLE/PEDESTRIAN CIRCULATION

- A. Edge of parking areas shall be landscaped to soften the view of the cars and the asphalt.
- B. Pedestrian walkways shall be provided between all commercial buildings. Sidewalks may be brick, edged in brick, edged in Belgian block, concrete, patterned concrete, or a combination of these. The color of concrete sidewalks should match the color of the closest existing sidewalk.
- C. Parking lots and pedestrian walkways shall be designed as attractive elements of the site by their own right with the use of trees, landscaping, pedestrian walkways, and various building materials and textures.
- D. Sidewalks shall be connected where there are gaps or missing links.
- E. Locations for the parking of bicycles shall be clearly delineated.

612.7 EXISTING BUILDING GUIDELINES. Existing buildings in Lambertville that conform to design guidelines in this section:



Note the gabled roof line, the traditional dormers, the architectural style of the windows and doors, and traditional building materials.



The left side of this structure is a recent addition to this former mill building. Notice the similar rhythm and size of window openings and the continued use of brick. The canvas awnings and window boxes are an added attraction to the building.

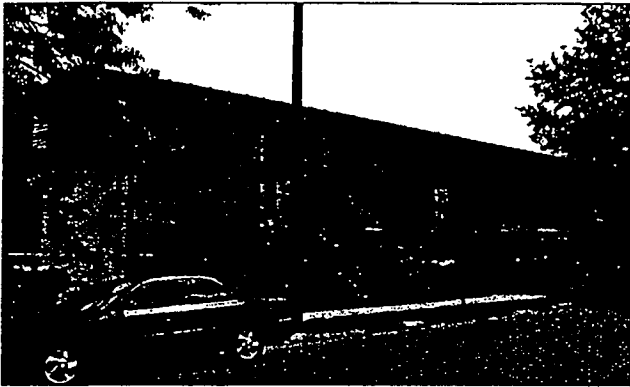
612.8 NEW BUILDING GUIDELINES. Examples of new development in the regional area that conform to commercial design guidelines in this section:



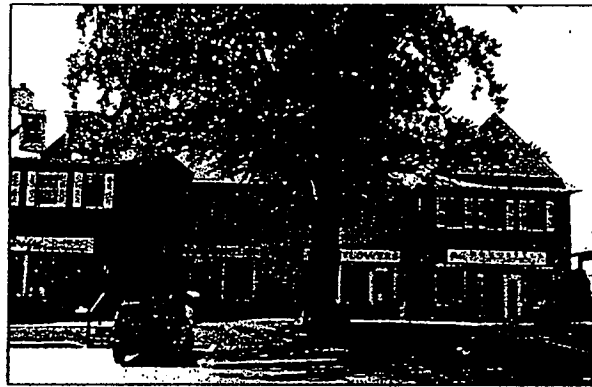
Note the natural building materials, modest scale, multi-paned windows, brick walkways, public benches, and the abundance of landscaping.



This new retail building mimics a colonial style with a gabled roof line, natural building materials, and traditionally styled windows and shutters.



This industrial building is located directly across from a row of townhouses. Its small scale, brick facade and original multi-paned windows make it compatible with its residential neighbors.



This strip shopping center has a variety of building materials and projections which breaks up what would otherwise be a large box. The mature tree was successfully preserved during construction and softens the impact of the new buildings.



This new bank building fits well into the surrounding residential neighborhood of similarly styled homes. The combination of brick and wood with the cupola, street trees and gabled roof is visually interesting.

SECTION 700
PERFORMANCE GUARANTEE AND INSPECTIONS

701

PERFORMANCE GUARANTEE

701.1

A performance guarantee estimate shall be prepared by the City Engineer setting forth all requirements, as fixed by the Planning Board, and the estimated cost of providing same. Prior to the establishment of a performance guarantee the subdivider shall submit construction or working drawings and specifications to be used as a basis for establishment of the performance guarantee and for inspection of the installed improvements. The governing body shall pass a resolution either approving or adjusting this Performance Guarantee Estimate and resolution to the subdivider for use in obtaining and posting a Performance Guarantee.

701.2

The subdivider shall present two (2) copies of the Performance Guarantee in an amount equal to the amount of the approved Performance Guarantee Estimate for approval as to form and execution by the Planning Board Attorney, or the City Attorney if there be no Planning Board Attorney.

701.3

- a. The Performance Guarantee shall be the approved Performance Guarantee Estimate and a performance bond in which the subdivider shall be principal

and an acceptable surety company licensed to do business in the State of New Jersey, or cash which shall be deposited with the City of Lambertville by payment to the City Treasurer, shall be surety. The City Treasurer shall issue his receipt for such cash deposits and shall cause the same to be deposited in a bank named by and at the risk of the subdivider in the name of the City of Lambertville to be retained as security for completion of all requirements and to be returned to the subdivider on the completion of all required work and expiration of the period of maintenance guarantee, or in the event of default on the part of the subdivider, to be used by the City of Lambertville to pay the cost and expense of obtaining completion of all requirements. Every bond, whether cash or surety, shall contain a clause to the effect that a determination by the City Engineer that the principal has defaulted in the performance of his obligation shall be binding and conclusive upon the surety and the principal.

- b. In addition to the performance bond whether with surety company or cash surety, the subdivider shall deposit with the City of Lambertville in cash an amount equal to twenty (20) percent of the amount of the approved Performance Guarantee Estimate for contingencies and, also in addition to the Performance Guarantee, 15 percent for legal, engineering and other costs and the same shall be paid and deposited in like manner and under the same conditions as the cash security aforesaid. In the event of default, the total 35 percent fund herein mentioned shall be first applied to the completion of the requirements and the cash of surety bond shall thereafter be resorted to, if necessary, for the completion of the requirements. The cash or surety bond may recite the foregoing provision. The Engineer's determination that the principal has defaulted in his obligation shall be binding and conclusive upon the principal.
- c. The approved Performance Guarantee Estimate shall fix the requirements or maintenance of the utilities and improvements to be installed and completed by the subdivider. A surety company or cash bond meeting the requirements herein above set forth may be furnished to secure the maintenance guarantee or the performance bond may be styled or amended to provide such security in reduced amount in keeping with the requirements.

701.4

The Planning Board Attorney, or the City Attorney if there be no Planning Board Attorney, shall notify the Secretary of the Planning Board prior to the Planning Board meeting that the Performance Guarantee is properly executed and can be added to the agenda.

701.5

All improvements and utility installations shall be inspected during the time of their installations under the supervision of the City Engineer to insure satisfactory completion. The cost of said inspection shall be the responsibility of the subdivider as stated in Section 503.2,1.

701.6

A final inspection of all improvements and utilities will be made to determine whether the work is satisfactory and in agreement with the approved final plat drawings and the City specifications. The general condition of the site shall also be considered. Upon satisfactory final inspection report, action will be taken to release the performance guarantee covering such improvements and utilities.

701.7

Inspection by the City of Lambertville of the installation of improvements and utilities by the subdivider shall not operate to subject the City of Lambertville to liability for claims, suits or liability of any kind that may at any time arise because of defects or negligence, during construction, or at any time thereafter; it being recognized that the responsibility to maintain safe conditions at all times during construction and to provide proper utilities and improvements is upon the subdivider and his contractors, if any.

701.8

After completing the construction of the public improvements covered by the performance guarantee, the subdivider shall prepare a set of the approved Public Improvement and Utility Plans and the Profiles amended to read "as constructed" and apply to the City Engineer for final inspection of the work. The City Engineer shall report to the governing body on the condition of the work and recommend that the Performance Guarantee be released, extended or declared in default.

701.9

The governing body shall, by resolution, release or declare in default, each performance guarantee. Such performance guarantee shall run for a period to be fixed by the governing body, but in no case for a term of more than two (2) years. However, on the request of the owner and accompanying consent of the surety, if there be one, the governing body may by resolution extend the term of such performance guarantee for an additional period not to exceed two years. The amount of the performance guarantee may be reduced by the governing body by resolution when portions of the required improvements have been installed and have been inspected and approved by the City Engineer. If any improvements have not been installed in accordance with the performance guarantee, the obligor and surety shall be liable thereon to the City for the reasonable cost of the improvements not installed and upon receipt of the proceeds thereof, the City shall install such improvements. The City shall also have all other remedies as may be lawfully available.

701.10

MAINTENANCE GUARANTEE

A maintenance guarantee the amount to be determined by the City Engineer and approved by the City, shall be posted for a maximum of 2 years upon acceptance of installed improvements by the City for maintenance and upkeep of installed improvements.

SECTION 800

GENERAL LIABILITY INSURANCE

800.1

PROCEDURE

The subdivider shall file with the governing body a general liability insurance policy at the same time as he files his performance guarantee covering all operations in the development including contractual liability with limits of not less than \$100,000.00 for bodily injury to each person and \$500,000.00 liability on the aggregate, for each accident and \$100,000.00 aggregate property damage liability. The City Attorney shall approve the policy for form and execution. The policy shall be of the same term in conformance with any extension of the performance guarantee. The policy shall name the City of Lambertville as an assured and provide that the City of Lambertville may nevertheless assert claims against the other assured.

SECTION 900

PENALTY

900.1

If before final approval has been obtained, any person transfers or sells, or agrees to sell, as owner or agent, any land which forms a part of a subdivision which, by ordinance, the Planning Board, or the Planning Board and the governing body, or either of them are required to act, such person shall be subject to a fine not to exceed two hundred (\$200.00) dollars or to imprisonment for not more than thirty (30) days, and each parcel, plot or lot so disposed of shall be deemed a separate violation.

900.2

In addition to the foregoing, if the streets in the subdivision are not such that a structure on said land in the subdivision would meet requirement for a building permit under Section 10 R.S. 40:55-1.39 of the Official Map and Building Permit Act, Chapter 434 of the Laws of 1953, as amended, the City may institute and maintain a civil action:

a. For injunctive relief.

b. To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with R.S. 40:55-1.24, of the Municipal Planning Act, but only if the City has a Planning Board or a Committee thereof with power to act and which:

1. Meets regularly on a monthly or more frequent basis and
2. Whose governing body has adopted standards and procedures in accordance with R.S. 40:55-1.20.

900.3

In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the subdivider or his assigns or successors, to secure the return of any deposit made or purchase price paid, and also a reasonable search fee, survey expense, and title closing expense, if any. Any such action must be brought within two years after the date of the recording of the instrument or transfer, sale or conveyance of said land or within six (6) years if unrecorded.

SECTION 1000

VALIDITY AND SEVERABILITY

If any section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this ordinance.

SECTION 1100

REPEALER

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such

ADOPTED
JAN 17, 1977

CITY OF LAMBERTVILLE

Ordinance Establishing a Planning Board and a Board of Adjustment

Public Notice

AN ORDINANCE ESTABLISHING A PLANNING BOARD AND A BOARD OF ADJUSTMENT PURSUANT TO THE PROVISIONS OF THE "MUNICIPAL LAND USE LAW" (Chapter 291, Laws of New Jersey, 1975; New Jersey Revised Statutes Title 40, Chapter 55D, Section 1 et seq.); PROVIDING FOR THE POWERS OF SAID BOARDS, FIXING THE PROCEDURES GOVERNING APPLICATION TO SAID BOARDS AND APPEALS THEREFROM, AND PROVIDING FOR THE CONTINUANCE OF EXISTING ORDINANCES.

The Board of Commissioners of the City of Lambertville do ordain, pursuant to the authority conferred by the Revised Statutes 40:55D-1 to 40:55D-92 inclusive, of the State of New Jersey, and the amendments thereof and supplements thereto, as follows:

ARTICLE I

GENERAL PROVISIONS

Section 101, SHORT TITLE

This ordinance shall be known and may be cited as the "Land Development Review Ordinance of the City of Lambertville, New Jersey."

Section 102, PURPOSES

This ordinance is hereby ordained to carry out the purposes set forth in New Jersey Revised Statutes 40:55D-2.

Section 103, DEFINITIONS

Whenever a term is used in this ordinance which is defined in Revised Statutes 40:55D-3; 40:55D-4; 40:55D-5; 40:55D-6; and 40:55D-7 inclusive, such term shall have the meaning set forth in the definition of such term set forth in the above listed sections of the Statute, unless a contrary intention is clearly expressed from the context of this ordinance.

Section 104, ADMINISTRATIVE PROCEDURE

The Board of Commissioners, planning board and zoning board of adjustment shall adopt, and may amend reasonable rules and regulations, not inconsistent with the Municipal Land Use Law or this ordinance for the administration of their functions, powers and duties, and shall furnish a copy thereof to any person upon request and may charge a reasonable fee, as established by section 118 of this ordinance, for such copy. Copies of all such rules and regulations and amendments thereto shall be maintained in the office of the City clerk.

Section 105, MEETINGS QUORUMS

Every City agency shall by its rules fix the time and place for holding its regular meetings for business authorized to be conducted by such agency. Regular meetings of the City agency shall be scheduled not less than once a month and shall be held as scheduled unless canceled for lack of applications for development to process. The City agency may provide for special meetings, at the call of the chairman, or on request of any two of its members and the public in accordance with the provisions of the "Open Public Meetings Act," P.L. 1975, c. 231, and agency regulations. No action shall be taken at any meeting without a quorum being present. All sections shall be taken by a

majority vote of a quorum except as otherwise required by subsections 114e and 207a, of this ordinance. Nothing herein shall be construed to contravene any statute providing for procedures for governing bodies.

Section 106, PUBLIC MEETINGS AND MINUTES

a. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the provisions of the "Open Public Meetings Act," P.L. 1975, c. 231, and agency regulations.

b. Minutes of every regular or special meetings shall be kept and shall include the names of the persons appearing and addressing the City agency and of the persons appearing by attorney, the action taken by the City agency, the findings, if any, made by it and reasons therefore. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the City clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party may be charged a fee as established by section 118 of this ordinance for reproduction of the minutes for his use.

Section 107, HEARINGS

a. The City agency shall hold a hearing on each application for development, or adoption, revision or amendment of the master plan.

b. The City agency shall make the rules governing such hearings. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at 10 days before the date of the hearing during normal business hours in the office of the City clerk. The applicant may produce other documents, records, or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

c. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the "County and Municipal Investigations Law," P.L. 1953, c. 38 shall apply.

d. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right to cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

e. Technical rules of evidence shall not be applicable to the hearing, but the chairman of the agency may exclude irrelevant, immaterial or unduly repetitious evidence.

f. The City agency shall provide for the verbatim recording of the proceedings by either stenographic, mechanical or electronic means. The City agency shall furnish a transcript, or duplicate recordings in lieu thereof, on request to any interested party at his expense.

g. Each decision on any application for development shall be in writing and shall include findings of fact and conclusions based thereon.

h. A copy of the decision shall be mailed by the secretary of the City agency within 10 days of the date of decision to the applicant, or if represented then to his attorney, without separate charge, and to all who request a copy of the decision for a fee as specified by section 118 of this ordinance. A copy of the decision shall also be filed by the City agency in the office of the City clerk. The City clerk shall make a copy of such filed decision available to any interested party for a fee as specified in section 118 of this ordinance and available for public inspection at his or her office during City business hours.

i. A brief notice of the decision shall be published in the official newspaper of the City, if there be one, or in a newspaper of general circulation in the City. Such publication shall be arranged by the City clerk; provided that the applicant may in any case provide for publication of the decision. The applicant shall pay a fee as designated by section 118 for publication of said notice, unless applicant submits proof acceptable to the City clerk within 10 days of the decision that he has provided for the required publication. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision, whether arranged by the City or the applicant.

Section 108, CONTENTS OF NOTICE OF HEARING ON APPLICATION FOR DEVELOPMENT OR ADOPTION OF MASTER PLAN

Notices pursuant to sections 109 and 110 of this ordinance shall state the date, time and place of the hearing, the nature of the matters to be considered, and, in the case of notices pursuant to section 109 of this ordinance, an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the City tax assessor's office, and the location and times at which any maps and documents for which approval is sought are available pursuant to sub-section 107 b. of this ordinance.

Section 109, NOTICE OF APPLICATIONS

Notice pursuant to subsections a., b., c., f. and g. of this section shall be given by the applicant and shall be given at least 10 days prior to the date of the hearing.

a. Public notice of a hearing on an application for development shall be given except for (1) conventional site plan review pursuant to section 601a of this ordinance, except as otherwise required by section 606 of this ordinance; (2) minor subdivisions pursuant to section 612 of this ordinance; or (3) final approval pursuant to section 608 of this ordinance; provided that public notice shall be given in the event that relief is requested pursuant to section 206 of this ordinance as part of an application for development otherwise excepted herein from public notice. Public notice shall be given by publication in the official newspaper of the City, if there be one, or in a newspaper of general circulation in the City.

b. Notice of a hearing requiring public

notice pursuant to sub-section a. of this section shall be given to the owners of all real property as shown on the current tax duplicate, located within 200 feet in all directions of the property which is the subject of such hearing. Notice shall be given by: (1) serving a copy thereof on the property owner as shown on the aid current tax duplicate, or his agent in charge of the property, or (2) mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

c. Upon the written request of an applicant, the City clerk shall, within 7 days, make and certify a list from said current tax duplicates of names and addresses of owners to whom the applicant is required to give notice pursuant to subsection b. of this section. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. A fee of \$10.00 shall be charged for such list.

d. Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality.

e. Notice shall be given by personal service or certified mail to the county planning board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the official county map or on the county master plan, adjoining other county land or situated within 200 feet of a municipal boundary.

f. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a State highway.

g. Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning, New Jersey Department of Community Affairs, of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the City clerk pursuant to subsection 107 b. of this ordinance.

h. The applicant shall file an affidavit of proof of service with the City agency holding the hearing on the application for development in the event that the applicant is required to give notice pursuant to this section.

Section 110, NOTICE CONCERNING MASTER PLAN

The planning board shall give:

(1) Public notice of a hearing on adoption, revision or amendment of the master plan; such notice shall be given by publication in the official newspaper of the City, if there be one, or in a newspaper of general circulation in the City at least 10 days prior to the date of the hearing;

(2) Notice by personal service or certified mail to the clerk of an adjoining municipality of all hearings on adoptions, revision or amendment of a master plan involving property situated within 200 feet to such adjoining municipality at least 10 days prior to the date of any hearing;

(3) Notice by personal service or certified mail to the county planning

board of (a) all hearings on adoption, revision or amendment of the City master plan at least 10 days prior to the date of the hearing; such notice shall include a copy of the master plan or revision or amendment thereto.

Section 111, EFFECT OF MAILING NOTICE

Any notice made by certified mail pursuant to sections 109 and 110 of this ordinance shall be deemed complete upon mailing.

Section 112, NOTICE OF HEARING ON ORDINANCE OR CAPITAL IMPROVEMENT PROGRAM: NOTICE OF ACTION ON CAPITAL IMPROVEMENT OR OFFICIAL MAP

a. Notice by personal service or certified mail shall be made to the clerk of an adjoining municipality of all hearings on the adoption, revision or amendment of a development regulation involving property situated within 200 feet of such adjoining municipality at least 10 days prior to the date of any such hearing.

b. Notice by personal service or certified mail shall be made to the county planning board of (1) all hearings on the adoption, revision or amendment of any development regulation at least 10 days prior to the date of the hearings, and (2) the adoption, revision or amendment of the City capital improvement program or City official map not more than 30 days after the date of such adoption, revision or amendment. Any notice provided hereunder shall include a copy of the proposed development regulation, the municipal official map or the City capital program, or any proposed revision or amendment thereto, as the case may be.

Notice of hearings to be held pursuant to this section shall state the date, time and place of the hearing and the nature of the matters to be considered. Any notice by certified mail pursuant to this section shall be deemed complete upon mailing.

Section 113, FILING OF DEVELOPMENT REGULATIONS

The City clerk shall file, with the county planning board as soon after passage as possible, all development regulations, including this one and any amendments or revisions thereto, and file and maintain for public inspection copies of said regulations in his or her office.

Section 114, APPEAL TO THE GOVERNING BODY: TIME, NOTICE MODIFICATION, STAY OF PROCEEDINGS

a. Any interested party may appeal to the Board of Commissioners any final decision of the board of adjustment approving an application for development pursuant to section 802 d of this ordinance. Such appeal shall be made within 10 days of the date of publication of such final decision pursuant to section 107 i. of this ordinance. The appeal to the Board of Commissioners shall be made by serving the City clerk in person or by certified mail with a notice of appeal specifying the grounds therefore and the name and address of the appellant and name and address of his attorney, if represented. Such appeal shall be decided by the Board of Commissioners only upon the record established before the board of adjustment.

b. Notice of the meeting to review the record below shall be given by the Board of Commissioners by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to section 107 h. and to the board from which the appeal is taken at least 10 days prior to the date of the meeting. The parties may submit oral and written

argument on the record at such meeting, and the Board of Commissioners shall provide for verbatim recording and transcripts of such meeting pursuant to section 107 f.

c. The Board of Commissioners shall conclude a review of the record below not later than 45 days from the date of receipt of the transcript of the hearing unless the appellant, together with the applicant, consents in writing to an extension of such period. The appellant shall arrange for a transcript pursuant to section 107 f., or otherwise, for use by the Board of Commissioners. Failure of the Board of Commissioners to hold a hearing and conclude a review of the record below and to render a decision within specified period, without such written consent, shall constitute a decision affirming the action of the board.

d. The Board of Commissioners may reverse, remand or affirm, wholly or in part, or may modify the final decision of the board of adjustment.

e. The affirmative vote of a majority of the full authorized membership of the Board of Commissioners shall be necessary to reverse, remand or modify any final action of either board.

f. An appeal to the Board of Commissioners shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the board of adjustment certifies to the Board of Commissioners, after the notice of appeal shall have been filed with such board, that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court on application upon notice to the board of adjustment and on good cause shown.

g. The Board of Commissioners shall mail a copy of the decision to the appellant or if represented then to his attorney, without separate charge, and for a fee as designated by section 118 of this ordinance to any interested party who has requested it, not later than 10 days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the City, if there be one, or in a newspaper of general circulation in the City. Such publication shall be arranged by the City; provided that the applicant may arrange such publication if he so desires.

h. Nothing herein shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

Section 115, ENFORCEMENT

The board of Commissioners shall enforce this ordinance. In case any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the Board of Commissioners and its agents or an interested party, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 116, TOLLING OF RUNNING OF PERIOD OF APPROVAL

In the event that, during the period of approval heretofore or hereafter granted to an application for development, the developer is barred or

prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any State agency, political subdivision or other party to protect the public health or welfare and the developer is otherwise ready, willing and able to proceed with said development, the running of the period of approval under this ordinance shall be suspended for the period of time said legal action is pending or such directive or order is in effect.

Section 117. CONDITIONAL APPROVALS

a. In the event that a developer submits an application for development proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any State agency, political subdivision or any other party to protect the public health and welfare or by a directive or order issued by any State agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the municipal agency shall process such application for development in accordance with this ordinance, and if such applicant for development complies with the requirements of this ordinance, the approving authority shall approve such application conditioned on removal of such legal barrier to development.

b. In the event that development requires an approval by a governmental agency other than the approving authority, the approving authority shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency; provided that the approving authority shall make a decision on any application for development within the time period provided in this ordinance or within an extension of such period as has been agreed to by the applicant unless the approving authority is prevented or relieved from so acting by the operation of law.

Section 118. FEES IN MATTERS PERTAINING TO THIS ORDINANCE

A. Rules and regulations adopted pursuant to section 104 of this ordinance:

- (1) Board of Commissioners \$10.00
- (2) Planning Board \$10.00
- (3) Board of Adjustment \$10.00

b. Minutes of regular or special meetings pursuant to section 106 b. of this ordinance:

- (1) Board of Commissioners \$10.00
- (2) Planning Board \$10.00
- (3) Board of Adjustment \$10.00

c. Transcript of proceedings pursuant to section 107 f. of this ordinance:

- (1) Board of Commissioners \$5.00 per page
- (2) Planning Board \$5.00 per page
- (3) Board of Adjustment \$5.00 per page

d. Copy of decisions pursuant to section 107 h. of this ordinance:

- (1) Board of Commissioners \$10.00
- (2) Planning Board \$10.00
- (3) Board of Adjustment \$10.00

e. Publication of notice of decisions pursuant to 107 i. of this ordinance:

- (1) City Clerk \$25.00

f. List of adjoining owners required under section 109 c. of this ordinance:

- (1) City Clerk \$10.00

g. Notice of decisions of Board of Commissioners on appeal from Board of Adjustment pursuant to section 114 g. of this ordinance:

- (1) City Clerk \$10.00

h. Subdivision application fees pursuant to Section 602 b. 2 of this ordinance: Planning Board Fees —

- (1) Minor subdivision, one lot \$50.00
- (2) Minor subdivision, more than one lot plus \$35.00 for each lot \$50.00
- (3) Major subdivision preliminary application plus \$35.00 for each lot \$50.00
- (4) Site plan review

(a) For first \$5,000 of estimated cost of improvements \$200.00

(b) For each additional \$5,000, or any part thereof, of estimated cost of improvements \$200.00

(5) Final approval of site plans and major subdivision pursuant to Section 608 c. 2 of this ordinance plus \$5.00 for each lot \$50.00

(6) Conditional Uses & Permits 50.00

1. Board of Adjustment Fees —

(1) Zoning variance application pursuant to 602 d of this ordinance \$200.00

(2) Zoning variance plus application for development pursuant to 604 a. 2 of this ordinance:

(a) Less than 3 lots \$200.00

(b) More than 3 lots plus \$35.00 per lot \$200.00

(3) If site plan review required:

(a) For first \$5,000 of estimated cost of improvements \$200.00

(b) For each additional \$5,000, or part thereof, of estimated cost of improvements \$200.00

ARTICLE II

PLANNING BOARD

Section 201. ESTABLISHMENT

The planning board heretofore established is hereby continued pursuant to the provisions of P.L. 1975, c. 291.

Section 202. MEMBERSHIP

a. The planning board shall consist of seven (7) members. For convenience in designating the manner of appointment, the membership shall consist of and be divided into the following four classes:

CLASS I—The Mayor

CLASS II—One of the officials of the City, other than a member of the Board of Commissioners, to be appointed by the Mayor

CLASS III—None, because the Board of Commissioners of the City of Lambertville consists of only three members. Member of the City body.

CLASS IV—Five other citizens of the City of Lambertville to be appointed by the Mayor.

The members of Class IV shall hold no other City office.

Section 203. TERMS OF OFFICE; REMOVAL

The term of the member composing Class I shall correspond to his or her official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first. The terms of all Class IV members first appointed under this ordinance shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointment; provided that the initial Class IV term of no member shall exceed four years. Thereafter, the Class IV term of no member shall exceed four years. Thereafter, the Class IV term of each such member shall be four years. If a vacancy in any class shall occur otherwise than by expiration of the planning board term, it shall be filled by

appointment, as above provided, for the unexpired term.

b. No member of the planning board shall be permitted to act on any matter which he has, either directly or indirectly any personal or financial interest. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the Board of Commissioners for cause.

c. When any hearing before a planning board shall carry over two or more meetings, a member of the board who was absent for one or more of the meetings, shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such board member has available to him a transcript or recording of the meeting from which he was absent, and certifies in writing to the board that he has read such transcript or listened to such recording.

Section 205. POWERS OF THE PLANNING BOARD

a. The planning board shall follow the provisions of this ordinance and shall accordingly exercise its power in regard to:

1. The master plan pursuant to Article III
2. Subdivision control and site plan review pursuant to Article VI and VII
3. The official map pursuant to Article V

4. The zoning ordinance (including conditional uses) pursuant to Article IX

5. Variances and certain building permits in conjunction with subdivision, site plan (and conditional use) approval pursuant to section 206.

b. The planning board may:

1. Participate in the preparation and review of programs or plans required by State or Federal law or regulation;
2. Assemble data on a continuing basis as part of a continuous planning process; and
3. Perform such other advisory duties as are assigned to it by ordinance or resolution of the Board of Commissioners for the aid and assistance of the Board of Commissioners or other agencies or officers.

Section 206. ANCILLARY POWERS

The planning board when reviewing applications for approval of subdivision plats, site plans or conditional uses shall have the power to grant to the same extent and subject to the same restrictions as the board of adjustment.

a. Variances pursuant to subsection 608 c. of this ordinance from lot area, lot dimensional, setback and yard requirements; provided that relief pursuant to this subsection from lot area requirements shall not be granted for more than one lot;

b. Direction pursuant to section 502 of this ordinance for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to section 501 of this ordinance;

c. Direction pursuant to section 504 of this ordinance for issuance of a permit for a building or structure not related to a street.

Whenever relief is requested pursuant to this section, notice of the hearing on the application for development shall include reference to the request for a variance, or direction for issuance of a permit, as the case may be.

Section 207. REFERRAL POWERS

Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the Board of Commissioners, within 35 days after referral

a report including recommendations concerning the proposed development regulation, revision or amendment. The Board of Commissioners, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the planning board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations. Failure of the planning board to transmit its report within the 35 day period provided herein shall relieve the Board of Commissioners from the requirements of this subsection in regard to the proposed development regulation, revision or amendment thereto referred to the planning board.

ARTICLE III MASTER PLAN

Section 301, PREPARATION; CONTENTS; MODIFICATION

a. The Board of Commissioners and the planning board of the City of Lambertville hereby declare that they have reviewed the master plan adopted in 1970 and hereby further declare that the master plan meets the requirements of the New Jersey Revised Statutes 40:55D-28b, c and d and the same is hereby re-adopted as part of this ordinance.

ARTICLE IV CAPITAL IMPROVEMENTS PROGRAM

AND PROJECT REVIEW

Inasmuch as the Board of Commissioners of the City of Lambertville do not deem that a capital improvements program is needed for the City of Lambertville at this time, the same will not be authorized under this ordinance.

ARTICLE V OFFICIAL MAP

Section 501, ESTABLISHMENT OF AN OFFICIAL MAP

a. There is hereby re-adopted, pursuant to the provisions of New Jersey Revised Statutes 40:55D-32, the document known as "The Official Map of the City of Lambertville" which was adopted by the Board of Commissioners of the City of Lambertville on November 15th, 1971.

b. Said official map shall be deemed conclusive with respect to the location and width of streets and public drainage ways and the location and extent of flood control basins and public areas; whether or not such streets, ways, basins or areas are improved or unimproved or are in actual physical existence. Upon receiving an application for development, the City may reserve for future use, the aforesaid streets, ways, basins, and areas in the manner provided in section 603 of this ordinance.

Section 502, ISSUANCE OF PERMITS FOR BUILDINGS OR STRUCTURES

For purposes of preserving the integrity of the official map, no permit shall be issued for any building or structure in the bed of any street or public drainage way, flood control basin or public area reserved pursuant to section 501 of this ordinance as shown on the official map, or shown on a plat filed pursuant to this ordinance before adoption of the official map, except as provided herein. Whenever one or more parcels of land, upon which is located the bed of such mapped street or public drainage way, flood control basin or public area reserved pursuant to section 501 hereof, cannot yield a reasonable return to the owner unless a building permit is granted, the board of adjustment may, in a specific case, by an affirmative vote of a majority of the full

authorized membership of the board, direct the issuance of a permit for a building or structure in the bed of such mapped or public drainage way or flood control basin or public area reserved pursuant to section 501 hereof, which will as little as practicable increase the cost of opening such street, or tend to cause a minimum change of the official map and the board shall impose reasonable requirements as a condition of granting the permit so as to promote the health, morals, safety and general welfare of the public. Sections 804 through 808 of this ordinance shall apply to applications or appeals pursuant to this section.

Section 503, BUILDING LOT TO ABUT STREET

No permit for the erection of a building or structure shall be issued unless the lots abuts a street giving access to such proposed building or structure. Such street shall have been duly placed on the official map or shall be (1) an existing State, county or municipal street or highway, or (2) a street shown upon a plat approved by the planning board, or (3) a street on a plat duly filed in the office of the county recording officer prior to the passage of this ordinance or its predecessor or any prior law which required prior approval of plats by the governing body or other authorized body. Before any such permit shall be issued, such street shall have been certified to be suitably improved to the satisfaction of the Board of Commissioners, or such suitable improvement shall have been assured by means of a performance guarantee, in accordance with standards and specifications for road improvements approved by the Board of Commissioners, as adequate in respect to the public health, safety and general welfare of the special circumstances of the particular street.

Section 504, APPEALS

Where the enforcement of section 503 hereof would entail practical difficulty or unnecessary hardship, or where the circumstances or the case do not require the building or structure to be related to a street the board of adjustment may upon application or appeal vary the application of section 503 hereof and direct the issuance of a permit subject to conditions that will provide adequate access for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety and that will protect any future street layout shown on the official map or a general circulation plan element of the municipal master plan.

Sections 804 through 808 of this ordinance shall apply to applications or appeals pursuant to this section.

ARTICLE VI SUBDIVISION AND SITE PLAN REVIEW AND APPROVAL

Section 601

a. Pursuant to the provisions of section 28, P.L. 1975, c. 291 approval of subdivision plats by resolution of the planning board shall be required as a condition for the filing of such plats with the county recording officer. Approval of site plans by resolution of the planning board shall be required as a condition for the issuance of a building permit or certificate of occupancy for any development, except that subdivision or individual lot applications for detached one or two dwelling-unit buildings shall be exempt from such site plan review and approval; provided that the resolution of the board of adjustment shall substitute for that of the planning board whenever the board of adjustment has jurisdiction over a subdivision or

site plan pursuant to subsection 808 b. of this ordinance.

b. Each application for subdivision approval, where required pursuant to section 5 of P.L. 1968, c. 285, and each application for site plan approval, where required pursuant to section 8 of P.L. 1968, c. 285, shall be submitted by the applicant to the county planning board for review or approval, as required by the aforesaid sections, and the municipal planning board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the county planning board or approval by the county planning board by its failure to report thereon within the required time period.

Section 602, SUBMITTAL PROCEDURE

a. The applicant shall submit (10) copies of his complete application for subdivision, site plan, or conditional use approval to the secretary of the planning board. The time for the board's review shall not begin to run until the submission of a complete application with the required fee. Unless the applicant is informed in writing by the secretary of the planning board within 45 days of the actual submission of the application that it is incomplete, said application shall be deemed complete as of the date it was submitted.

b. A complete application for preliminary approval shall consist of the following:

1. A properly completed site plan, subdivision and/or conditional use information form.

2. the required fee, as per section 118 of this ordinance

3. a site plan or subdivision plot plan on which the following is set out:

(a) scale, not to exceed 1" = 100'

(b) locator map showing all road intersections within 500' or the nearest intersection, whichever is greatest.

(c) All structures, wooded areas and topography with two foot intervals, except where the slope exceeds 15 percent, in which case contour intervals may be 5'

(d) all lot lines and owners of lots within 200' of the site

(e) streets, easements, watercourses and rights-of-way

(f) utility and drainage plans

(g) any extension of off-tract improvements necessitated by the proposed development

(h) a soil erosion and sedimentation control plan, pursuant to the requirements of R.S. 4:24-39 et seq.

(i) in the case of a site plan, preliminary plans for elevations and locations of structures, parking lighting, loading, signs and landscaping.

(c) The secretary of the planning board shall distribute the site plan, subdivision and/or conditional use application for review and report, and where required approval, as follows:

1. the municipal planner
2. the municipal engineer
3. the municipal utilities authority
4. the municipal health officer
5. the municipal fire officer
6. the planning board (planning consultant)

Section 603, RESERVATION OF PUBLIC AREAS

a. Before approving a subdivision or site plan, the approving authority may require that streets, public drainage ways, flood control basins and public areas, designated for reservation on the master plan or official map, must be shown on the plat in locations and sizes suitable to their intended uses. The approving authority may reserve the location and extent of such streets, ways, basins or areas shown on the plat

for a period of one year after the approval of the final plat or within such further time as may be agreed to by the developer. Unless during such period or extension thereof the City shall have entered into a contract to purchase or institute condemnation proceedings according to law for the fee or a lesser interest in the land comprising such streets, ways, basins or areas, the developer shall not be bound by such reservations shown on the plat and may proceed to use such land for private use in accordance with applicable development regulations. The provisions of this section shall not apply to streets and roads, flood control basins or public drainage ways necessitated by the subdivision or land development and required for final approval.

The developer shall be entitled to just compensation for actual loss found to be caused by such temporary reservation and deprivation of use. In such instance, unless a lesser amount has previously been mutually agreed upon, just compensation shall be deemed to be the fair market value of an option to purchase the land reserved for the period of reservation; provided that determination of such fair market value shall include, but not be limited to, consideration of the real property taxes apportioned to the land reserved and prorated for the period of reservation. The developer shall be compensated for the reasonable increased cost of legal, engineering, or other professional services incurred in connection with obtaining subdivision approval or site plan approval, as the case may be, caused by the reservation.

Upon the submission to the approving authority of an application for development showing development proposed for an area reserved on the official map or master plan, the secretary of the approving authority shall notify the Board of Commissioners in writing of such application, and that the approving authority intends to grant approval for said development in the reserved area unless the Board of Commissioners notifies the approving authority prior to the date for final approval that it intends to reserve the area in question and will provide compensation to the developer for such reservation. Said notice of intent to reserve shall be in the form of a resolution by the Board of Commissioners. The Board of Commissioners shall thereupon proceed either to reach an agreement with the developer as to the amount of compensation to be paid for such reservation, or negotiate a purchase price for said reserved area. Upon the Board of Commissioners arriving at the amount to be paid the developer by way of compensation for reservation or purchase, said amount shall be deposited in escrow for the benefit of the developer.

Section 604. FINDINGS OF PLANNED DEVELOPMENTS:

Prior to approval of planned developments the planning board shall find the following facts and conclusions:

a. That departure by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to section VII of this ordinance;

b. That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate;

c. That provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic,

and the amenities of light and air, recreation and visual enjoyment are adequate;

d. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;

e. In the case of a proposed development which contemplates construction over a period of years; that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

Section 605. TIME FOR DECISION

a. (1) Upon the submission to the secretary of the planning board of a complete application for a site plan for 10 acres of land or less, the planning board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer, except that if the application for site plan approval also involves an application for a relief pursuant to C. 40:55D-60, the planning board shall grant or deny preliminary approval within 95 days of the date of the submission of a complete application to the secretary of the planning board, or within such further time as may be consented to by the applicant.

(2) Upon the submission of a complete application for a site plan of more than 10 acres, or for a conditional use approval, the planning board shall grant or deny preliminary approval of the site plan and/or approval at the conditional use within 95 days of the date of such submission or within such further time as may be consented to by the applicant.

b. (1) Upon the submission to the secretary of the planning board of a complete application for a submission of 10 or fewer lots, other than a minor subdivision as defined in section 612 of this ordinance, the planning board shall grant or deny preliminary approval within 45 days of the date of such submission or within 45 days of the date of such submission or within such further time as may be consented to by the developer.

(2) Upon the submission of a complete application for a subdivision of more than 10 lots, the planning board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer.

c. Failure of the reviewing board to reach a decision within the specified time periods or extensions thereof shall result in the approval of the subdivision and/or site plan and/or conditional use as submitted.

d. The planning board may waive site plan approval requirements if the construction or alteration or change of occupancy or use does not affect existing circulation, drainage, relationships of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review.

e. If the reviewing board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The reviewing board shall, if the proposed development complies with the ordinance and this act, grant preliminary subdivision or site plan approval.

f. Nothing herein shall be construed to limit the right of a developer to submit a

sketch plan to the reviewing board for informal review, and neither the reviewing board nor the developer shall be bound by any discussions or statements made during such review; provided that the right of the developer at any time to submit a complete application for subdivision or site plan approval shall not be limited by his submittal of a sketch plan and the time for the reviewing board's decision shall not begin to run until the submission of a complete application.

Section 606. PUBLIC HEARINGS

A public hearing shall be held on all applications for site plan approval involving uses which, on the submitted complete application for preliminary approval, show five or more off street parking spaces. A public hearing is not required for all other site plan applications.

Section 607. RIGHTS UNDER PRELIMINARY APPROVAL

Preliminary approval of a major subdivision or site plan except as provided in subsection D of this section, shall confer upon the applicant the following rights for a three year period from the date of the preliminary approval:

a. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout size; yard dimensions and off-tract improvements; and, in the case of a site plan, existing natural resources to be preserved on the site; vehicular and pedestrian circulation, parking and loading; screening, landscaping and location of structures; exterior lighting both for safety reasons and street lighting; except that nothing herein shall be construed to prevent the City from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.

b. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat or site plan; and

c. That the applicant may apply for and the reviewing board may grant extensions on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

d. In the case of a subdivision or site plan for an area of 50 acres or more, the reviewing board may grant the rights referred to in subsections a., b. and c. above for such period of time, longer than three years, as shall be determined by the reviewing board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, (2) economic conditions, and (3) the comprehensiveness of the development. The applicant may apply for thereafter and the reviewing board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the reviewing board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, and (2) the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, (3) economic conditions and (4) the comprehensiveness of the development;

provided that if the design standards may govern.

Section 608, FINAL APPROVAL OF SITE PLANS AND MAJOR SUBDIVISIONS.

a. The reviewing board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions of preliminary approval; and, in the case of a major subdivision, the standards prescribed by the "Map Filing Law," P.L. 1960, c. 141, provided that in the case of a planned development, the reviewing body may permit minimal deviations from the conditions of preliminary approval necessitated by change of condition beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.

b. Final approval shall be granted or denied within 45 days after submission of a complete application to the secretary of the reviewing board; or within such further time as may be consented to by the applicant. Failure of the reviewing board to act within the period prescribed shall constitute final approval of the application for final approval as submitted and a certificate of the secretary of the reviewing board as to failure of the reviewing board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other required evidence of approval.

c. A complete application for final approval shall consist of the following where applicable:

1. a properly completed final subdivision site plan approval form
 2. the required fee as per section 118 of this ordinance
 3. a site plan in final form, including all the information shown on the preliminary plan and conditions of preliminary approval
 4. a subdivision plat conforming with the "Map Filing Act," P.L. 196, c. 141.
- #### Section 609, EXCEPTION TO APPLICATION OF SITE PLAN REGULATIONS

a. The reviewing board when acting upon applications for preliminary or minor subdivision approval shall have the power to grant such exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval of this ordinance, if the literal enforcement of one or more provisions of this ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

b. The reviewing board when acting upon application for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of this ordinance, if the literal enforcement of one or more provisions of this ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

Section 610, EFFECT OF FINAL APPROVAL

a. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to section 607 of this ordinance, whether conditionally or otherwise, shall not be changed for a period of 2 years after the date of final approval; provided that in

the case of major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in section 613 of this ordinance. If the developer has followed the standards prescribed for final approval, and, in the case of a subdivision, has duly recorded the plat as required in section 613 of this ordinance, the planning board may extend such period of protection for extensions of 1 year but not to exceed three extensions, notwithstanding any other provisions of this ordinance, the granting of final approval terminated the time period of preliminary approval pursuant to section 607 of this ordinance for the section granted final approval.

b. In the case of a site plan for a planned development of 50 acres or more or conventional site plan for 150 acres or more, the reviewing board may grant the rights referred to in subsection a. in this section for such period of time, longer than two years, as shall be determined by the reviewing board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) economic conditions and (3) the comprehensiveness of the development. The developer may apply for thereafter, and the reviewing board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the reviewing board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) the number of dwelling units and nonresidential floor area remaining to be developed, (3) economic conditions and (4) the comprehensiveness of the development.

Section 611, GUARANTEES REQUIRED

a. Before recording of final subdivision plats, or as a condition of final site plan approval, the approving authority may require and shall accept in accordance with the standards adopted by this ordinance for the purpose of assuring the installation and maintenance of on-tract improvements:

(1) The furnishing of a performance guarantee in favor of the City in an amount not to exceed 120 percent of the cost of the installation for improvements it may deem necessary or appropriate including: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, as shown on the final map and required by the "Map Filing Law," P.L. 1960, c. 141 (C. 46:23-9.9 et seq.), water mains, culverts, storm sewers, sanitary sewers, or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping; provided that no more than 10 percent of the total performance guarantee shall be in cash, and the balance shall be in the form of a bond from a bonding company approved by the Board of Commissioners. The City engineer shall review the improvements required by the approving authority which are to be bonded and itemize their cost. Said itemization shall be the basis for determining the amount of performance guarantee and maintenance guarantee required by the approving authority. The City engineer shall forward his estimate of the cost of improvements to the applicant within 30 days of the date of receipt of a request sent by certified mail for said estimate.

(2) The furnishing of a maintenance guarantee to be posted with the Board of

Commissioners for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15 percent of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required for such utilities or improvements.

b. The amount of any performance guarantee may be reduced by the Board of Commissioners by resolution, when portions of the improvements have been certified by the City engineer to have been completed. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Board of Commissioners by resolution.

c. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the City for the reasonable cost of the improvements not completed or corrected and the City may either prior to or after the receipt of the proceeds thereof complete such improvements.

d. When all of the required improvements have been completed, the obligor shall notify the Board of Commissioners in writing, by certified mail addressed in care of the City clerk of the completion of said improvements and shall send a copy thereof to the City engineer. Thereupon the City engineer shall inspect all of the improvements and shall file a detailed report, in writing, with the Board of Commissioners, indicating either approval, partial approval or rejection of the improvements with a statement of reasons for any rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth.

e. The Board of Commissioners shall either approve, partially approve or reject the improvements, on the basis of the report of the City engineer and shall notify the obligor in writing, by certified mail, of the contents of said report and the action of said approving authority with relation thereof, not later than 65 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guarantee, except for the improvements not yet approved. Failure of the Board of Commissioners to send or provide such notification to the obligor within 65 days shall be deemed to constitute approval of the improvements and the obligor and surety, if any shall be released from all liability, pursuant to such performance guarantee.

f. If any portion of the required improvements are rejected, the approving authority may require the obligor to complete such improvements and, upon completion, the same procedure of notification, as set forth in this section shall be followed.

g. The obligor shall reimburse the City for all reasonable inspection fees paid the City engineer for the foregoing inspection of improvements.

Section 612, MINOR SUBDIVISION
a. The planning board shall waive notice and public hearing for an application for development if the subdivision committee of the planning board appointed by the chairman finds

that the application for development conforms to the definition of "minor subdivision" in section 102 of this ordinance. Minor subdivision approval shall be deemed to be final approval of the subdivision by the board; provided that the board or said subcommittee may condition such approval on terms ensuring the provision of improvements pursuant to Article VII of this ordinance.

b. Minor subdivision approval shall be granted or denied within 45 days of the date of submission of a complete application to the secretary of the planning board, or within such further time as may be consented to by the applicant. Failure of the planning board to act within the period prescribed shall constitute minor subdivision approval and a certificate of the secretary of the planning board as to the failure of the planning board to act shall be issued on request of the applicant; and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

c. Approval of a minor subdivision shall expire 190 days from the date of municipal approval unless within such period a plat in conformity with such approval and the provisions of the "Map Filing Law," P.L. 1960, c. 141, or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer, the municipal engineer and the municipal tax assessor. Any such plat or deed accepted for such filing shall have been signed by the chairman and secretary of the planning board. In reviewing the application for development for a proposed minor subdivision the planning board may accept a plat not in conformity with the "Map Filing Act"; provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed such plat shall conform with the provisions of said act.

d. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of 2 years after the date of minor subdivision approval; provided that the approved minor subdivision shall have been duly recorded as provided herein.

Section 613, FILING OF SUBDIVISION PLATS

a. Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the county recording officer. The planning board may for good cause shown extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat.

b. Final approval of a major subdivision shall be evidenced by affixing to the plat the signature of the chairman and secretary of the reviewing board, or a copy of the certificate of the secretary of the reviewing board indicating that the reviewing board failed to reach a decision on the subdivision application within the prescribed time. The signatures of the chairman and secretary of the reviewing board shall not be affixed until the developer has posted the guarantees required pursuant to section 611 of this ordinance.

Section 614, SELLING BEFORE APPROVAL

a. If before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision

approval, as owner or agent, any land which forms a part of a subdivision for which City approval is required by this ordinance, such person shall be subject to a penalty not to exceed \$500.00, and each lot disposition so made may be deemed a separate violation.

b. In addition to the foregoing, the City may institute and maintain a civil action:

1. for injunctive relief; and
2. to set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with section 615 of this ordinance.

Section 615, CERTIFICATES SHOWING APPROVAL

A. The prospective purchaser, prospective mortgagee, or any other person interested in any land which forms part of a subdivision, or which formed part of such a subdivision 3 years preceding August 1, 1976, may apply in writing to the City clerk for the issuance of a certificate certifying whether or not such subdivision has been approved by the planning board. Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof.

b. The City clerk shall make and issue such certificate within 15 days after the receipt of such written application and the fees therefor. Said officer shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record of his or her office.

c. Each such certificate shall be designated a "certificate as to approval of subdivision of land," and shall certify:

1. That there exists in the City of Lambertville a duly established planning board and that there is an ordinance controlling subdivision of land adopted under the authority of the "Municipal Land Use Law" of 1975, c. 291.

2. Whether the subdivision, as it relates to the land shown in said application, has been approved by the planning board, and if so, the date of such approval and any extensions and terms thereof, showing that subdivision of which the lands are a part is a validly existing subdivision.

d. The City clerk shall be entitled to demand and receive for such certificate issued by him a reasonable fee not in excess of those provided in R.S. 54:5-14 and 15. The fees so collected by the City clerk shall be paid by him or her to the City.

ARTICLE VII

Section 701, DESIGN STANDARDS
Standards of performance and design for subdivision and site plans, including planned developments, shall be those set forth in the "City of Lambertville Zoning Ordinance" and "The Land Subdivision Ordinance of the City of Lambertville" re-adopted by Article X of this ordinance.

ARTICLE VIII

ZONING BOARD OF ADJUSTMENT
Section 801, ESTABLISHMENT, MEMBERSHIP AND ORGANIZATION

a. Pursuant to the provisions of section 56 of the "Municipal Land Use Law of 1975", P.L. 1975, c. 291, the zoning board of adjustment, also known as the board of adjustment, heretofore established, is hereby continued, and shall consist of seven members.

b. The members of the board of adjustment shall be appointed by the Board of Commissioners. The terms of

the members first appointed under this ordinance shall be so determined that to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first 4 years after their appointment. Thereafter, the term of each member shall be 4 years. No member may hold any elective office or position under the City. No member shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. A member may, after public hearing if he requests it, be removed by the Board of Commissioners for cause. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term only.

c. The board of adjustment shall elect a chairman and vice chairman from its members and select a secretary who may or may not be a member of the board of adjustment or a municipal employee.

Section 802, POWERS

The board of adjustment shall have the power to:

a. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the building inspector based on or made in the enforcement of Article IX of this ordinance.

b. Hear and decide in accordance with the provisions of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by the zoning or official map ordinance in accordance with this ordinance:

c. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, or by reason of other extraordinary and exceptional situation or condition of such piece of property the strict application of any regulation pursuant to Article IX of this ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; provided, however, that no variance shall be granted under this subsection to allow a structure or use in a district restricted against such structure or use; and provided further that the proposed development does not require approval by the planning board of a subdivision, site plan or conditional use in conjunction with which the planning board shall review a request for a variance pursuant to subsection 206 a. of this ordinance.

d. Grant a variance to allow a structure or use in a district restricted against such structure or use in particular cases and for special reasons, but only by affirmative vote of at least two thirds of the full authorized membership of the board.

No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. An application under this section may be referred to any appropriate person or agency, including the planning board pursuant to subsection 207 b. of this ordinance, for its report; provided that such reference shall not extend the period of time within which the zoning board of adjustment shall act.

Section 803, EMPLOYEES

The board of adjustment may employ, or contract for, and fix the compensation of legal counsel; other than the municipal attorney, a licensed planning consultant, a licensed engineer and other staff and services as it shall deem necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the Board of Commissioners for its use.

Section 804, APPEALS AND APPLICATIONS

a. Appeals to the board of adjustment may be taken by an interested party affected by any decision of the building inspector of the City based on or made in the enforcement of the zoning ordinance or official map. Such appeal shall be taken within 65 days by filing a notice of appeal with the building inspector specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record upon which the action appealed from was taken.

b. A developer may file an application for development with the board of adjustment for action under any of its powers without prior application to the building inspector.

c. If an application for development is filed with the board of adjustment, whether or not an appeal from a decision of the building inspector is also taken, the applicant shall submit (ten) copies of his completed application to the secretary of the board of adjustment. The time for the board's review shall not begin to run until the submission of a complete application with the required fee. Unless the applicant is informed in writing by the secretary of the board of adjustment within 45 days of the actual submission of the application that it is incomplete, said application shall be deemed complete as of the date it was submitted.

d. A complete application for development under this Article shall consist of the following:

1. a properly completed variance information application form
2. the required fee, as per section 118 of this ordinance
3. if subdivision, and/or site plan and/or conditional use approval is also sought as part of an application for a variance pursuant to subsection 802 d. of this ordinance, the applicant shall also include the information and documents required pursuant to the provisions of subsection 602 b. of this ordinance.

e. The secretary of the board of adjustment shall distribute the application for review and report, and where required, approval as follows:

1. the board of adjustment
2. the planning board
3. the City engineer
4. the City utilities authority
5. the City planning consultant
6. the City health officer
7. the City police commissioner

Section 805, TIME FOR DECISION

a. The board of adjustment shall render a decision not later than 120 days after the date (1) an appeal is taken from the decision of the building inspector or (2) the submission of a complete application for development to the board of adjustment pursuant to section 804 b. of this ordinance.

b. Failure of the board to render a decision within such 120 day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

Section 806, MODIFICATION ON APPEAL

The board of adjustment may reverse or affirm, wholly or in part, or may

modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all the powers of the building inspector from whom the appeal is taken.

Section 807, STAY OF PROCEEDINGS BY APPEAL

An appeal to the board of adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the building inspector from whose action the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the officer from whom the appeal is taken and on due cause shown.

Section 808, OTHER POWERS OF THE BOARD OF ADJUSTMENT

a. Sections 804 through 808 of this ordinance shall apply to the power of the board of adjustment to:

(1) Direct issuance of a permit pursuant to section 802 of this ordinance for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to section 501 of this ordinance; or

(2) Direct issuance of a permit pursuant to section 804 of this ordinance for a building or structure not related to a street.

b. The board of adjustment shall have the power to grant to the same extent and subject to the same restrictions as the planning board subdivision or site plan approval pursuant to Articles VII and VIII of this ordinance or conditional use approval pursuant to section IX of this ordinance whenever the board of adjustment is reviewing an application for approval of a variance pursuant to subsection 803 d. of this ordinance.

c. Whenever an application for development requests relief pursuant to subsection b. of this section, the board of adjustment shall grant or deny approval of the application within 120 days after submission by a developer of a complete application to the secretary of the board of adjustment or within such further time as may be consented to by the applicant. Failure of the board of adjustment to act within the period prescribed shall constitute approval of the application and a certificate of the secretary of the board of adjustment as to the failure of the board of adjustment to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement of other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

d. Whenever review or approval of the application by the county planning board is required by section 5 of P.L. 1968, c. 285, in the case of a subdivision, or section 8 of P.L. 1968, c. 285, in the case of a site plan, the board of adjustment shall condition any approval that it grants upon timely receipt of a favorable report on the application by the planning board by failure to report thereupon within the required time.

e. An application under this section may be referred to any appropriate person or agency for its report; provided that such reference shall not extend the period of time within which the zoning board of adjustment shall act.

**ARTICLE IX
ZONING DISTRICTS AND
PERMITTED USES**

Section 901. The boundary of the

various zoning districts and the uses permitted in each, together with conditional uses, are those set forth in the "City of Lambertville Zoning Ordinance" re-adopted by Article X of this ordinance.

ARTICLE X**MISCELLANEOUS PROVISIONS****Section 1001, REPEALS**

All sections of the Land Subdivision Ordinance, Zoning Ordinance, or any other ordinance of the City of Lambertville, or any subsequent amendments to said ordinances, which contain provisions contrary to the provisions of this ordinance shall be and are (to the extent of such inconsistency) hereby repealed.

Section 1002, ORDINANCES CONTINUED

Pursuant to Chapter 115, Laws of New Jersey 1976, all provisions of the ordinance known as the "City of Lambertville Zoning Ordinance" adopted November 15th, 1971, and the ordinance known as "The Land Subdivision Ordinance of the City of Lambertville" adopted March 1st, 1971, and all subsequent amendments to said ordinances, are re-adopted to the extent that said ordinances are not inconsistent with the provisions of this ordinance, and shall continue in full force and effect and shall be read in para materia with this ordinance. Three copies of the text of the to be re-adopted ordinances and accompanying maps are filed in the Office of the City Clerk of the City of Lambertville and are available for public inspection until final action upon and adoption of this ordinance and the re-adoption of said existing ordinances.

The governing body and planning board of the City of Lambertville hereby declare that they have reviewed the zoning ordinance and the subdivision ordinance and all subsequent amendments to said ordinances and hereby further declare that said ordinance meet the requirements of N.J.S.A. 40:55D-28 b. (2) and N.J.S.A. 40:55B-62 a.

Section 1003, EFFECTIVE DATE

This ordinance shall take effect on February 1st, 1977.

Section 1004, COPY TO BE FILED WITH COUNTY PLANNING BOARD

Immediately upon adoption of this ordinance, the City Clerk shall file a copy of this ordinance with the county planning board as required by law. The Clerk shall also file with said planning board copies of all other ordinances of the municipality relating to land use such as the subdivision and zoning ordinances.

Board of Commissioners
City of Lambertville
Phillip L. Pitore, Mayor
Anthony J. Nanni, Commissioner
Glenn Cowan, Commissioner

Attest:
Mary E. Sheridan, Clerk

NOTICE

Please take notice that the foregoing ordinance was introduced and passed on first reading by the Board of Commissioners of the City of Lambertville at its regular meeting held on Monday evening, January 3, 1977. It is published January 6, 1977, and will be considered for final adoption after public hearing at the next regular meeting of the Board of Commissioners of the City of Lambertville on January 17, 1977, at 8:30 P.M. (EST.) in the Commissioners Rooms, Municipal Building, 18 York Street, Lambertville, New Jersey.

Mary E. Sheridan
City Clerk

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING A PLANNING BOARD AND A BOARD OF ADJUSTMENT PURSUANT TO THE PROVISIONS OF THE 'MUNICIPAL LAND USE LAW' (Chapter 291, Laws of New Jersey 1975; New Jersey Revised Statutes Title 40, Chapter 55D, Section 1 et seq., and all subsequent amendments and supplements thereto); PROVIDING FOR THE POWERS OF SAID BOARDS, FIXING THE PROCEDURES GOVERNING APPLICATION TO SAID BOARDS AND APPEALS THEREFROM AND PROVIDING FOR THE CONTINUANCE OF EXISTING ORDINANCES". (Said Ordinance was adopted on January 17, 1977 and Section 202 thereof was amended by Ordinance adopted May 15, 1978.)

The Mayor and Council of the City of Lambertville do ordain:

Pursuant to the authority conferred by the Revised Statutes 40:55D-1 to 40:55D-92 inclusive, of the State of New Jersey, and the amendments thereof and supplements thereto, that Section 202 of the "Land Development Review Ordinance of the City of Lambertville, New Jersey," shall be further amended to provide as follows:

SECTION 202, MEMBERSHIP

- a. The Planning Board shall consist of nine (9) members. For convenience in designating the manner of appointment, the membership shall consist of and be divided into the following four classes:

CLASS I - The Mayor

CLASS II - One of the officials of the City, other than a member of the City Council to be appointed by the Mayor.

CLASS III- A member of the governing body to be appointed by it.

CLASS IV - Six (6) other citizens of the City of Lambertville to be appointed by the Mayor.

The members of Class IV shall hold no other City office, except that one such member may be a member of the Lambertville Zoning Board of Adjustment and one such member may be a member of the Lambertville Board of Education.

This Ordinance shall take effect immediately upon adoption.

INTRODUCED: January 3, 1983

ADOPTED: January 17, 1983

ATTEST:

Dorothy A. Bolmer
Dorothy A. Bolmer, City Clerk

GOVERNING BODY OF THE
CITY OF LAMBERTVILLE

Mary E. Sheridan
Mary E. Sheridan, Mayor

J. Alan Brewster
J. Alan Brewster, Council Member

Kenneth J. Harms
Kenneth J. Harms, Council Member

John McManus
John McManus, Council Member

James N. Rosso
James N. Rosso, Council Member

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Section 202 MEMBERSHIP

Section 202 is amended by the addition of the following subsection:

b. The Mayor may appoint to the Planning Board two (2) alternate members who shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2".

The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

No alternate member shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member, may after public hearing, if he requests one, be removed by the governing body for cause.

Alternate members may participate in discussions of the proceedings but may not vote, except in the absence or disqualification of the regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

Section 801 MEMBERSHIP

Section 801 is amended by the addition of the following subsection:

d. The Mayor may appoint to the Board of Adjustment two (2) alternate members who shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2."

The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

No alternate member shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member, may after public hearing, if he requests one, be removed by the governing body for cause.

Alternate members may participate in discussions of the proceedings but may not vote, except in the absence or disqualification of the regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

All ordinances, or parts of ordinances, inconsistent with the provisions of this ordinance are hereby repealed.

This ordinance shall take effect upon publication and passage as provided by law.

ORDINANCE 94-24

AN ORDINANCE TO AMEND ORDINANCE 88-28 AS ADOPTED ON OCTOBER 17, 1988

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, as follows:

Section 1: Section 107 Hearings i shall be deleted and amended to read as follows:

"A brief notice of the decision shall be published in the official newspaper of the City, if there be one, or in a newspaper of general circulation in the City. Such publication shall be arranged by the Administrative Officer of the Approving Board. The applicant shall pay a fee as designated by Section 118 for publication of such notice."

Section 2: Section I: General Administrative Fees B. shall be deleted and amended to read as follows:

"Pursuant to Section 107f, a deposit fee of \$500.00 shall be charged for a transcript and a deposit of \$25.00 shall be charged for a duplicate recording."

Section 3: Section I: General Administrative Fees shall be amended by adding the following:

- D. A fee of \$15.00 shall be paid by all applicants at the time of submitting an application for the Planning Board or the Zoning Board of Adjustment for the publication of the Notice of Decision.

Section 4: Section II: Application Fees D. Schedule of Fees and Escrow shall be amended as follows:

1. (1)(b)2 and (1)(c)2 Escrow Fee shall be amended to read "Five hundred dollars (\$500.00) per new lot or unit created."
2. (4)(b)2, (4)(c)2, (4)(d)1b, (4)(d)2b, (4)(e)2 and (4)(f)2 Escrow Fee shall be amended to read "Five hundred dollars (\$500.00)."
3. 5 Special Meetings shall be amended to read "If requested by the applicant and approved by the Board, the fee for a special meeting shall be \$500.00."

~~the applicant and approved by the Board, the fee for a special meeting shall be \$500.00."~~

Section 5: E. Replenishment of Escrow Balance shall be amended in the first two sentences to read as follows:

"The escrow assessed with each application shall be replenished whenever the original escrow is reduced by charges against the account to fifty percent (50%) or less of the original amount. The Administrative Officer of the Approving Board shall notify the applicant of the requirement to replenish the escrow and the applicant shall be requested to deposit up to fifty percent (50%) of the original escrow amount."

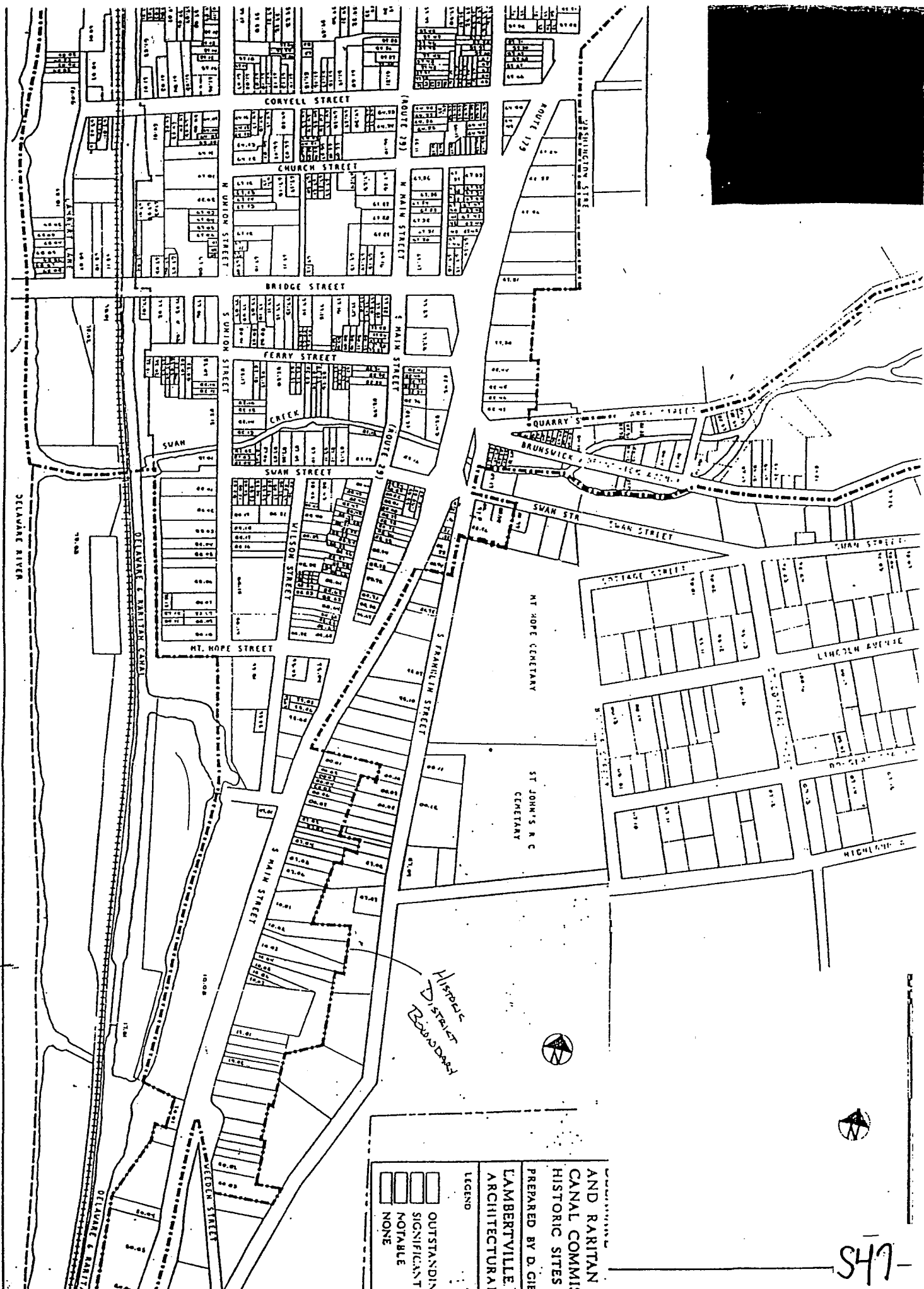
Section 6: Article VI: Subdivision and Site Plan Review and Approval Section 602: Submittal Procedure shall be amended to read "The applicant shall submit fifteen (15) copies of his complete application for..."

Section 7: All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 8: This ordinance shall take effect upon publication and filing with the Hunterdon County Planning Board as required by law.

Certified to be a true copy.

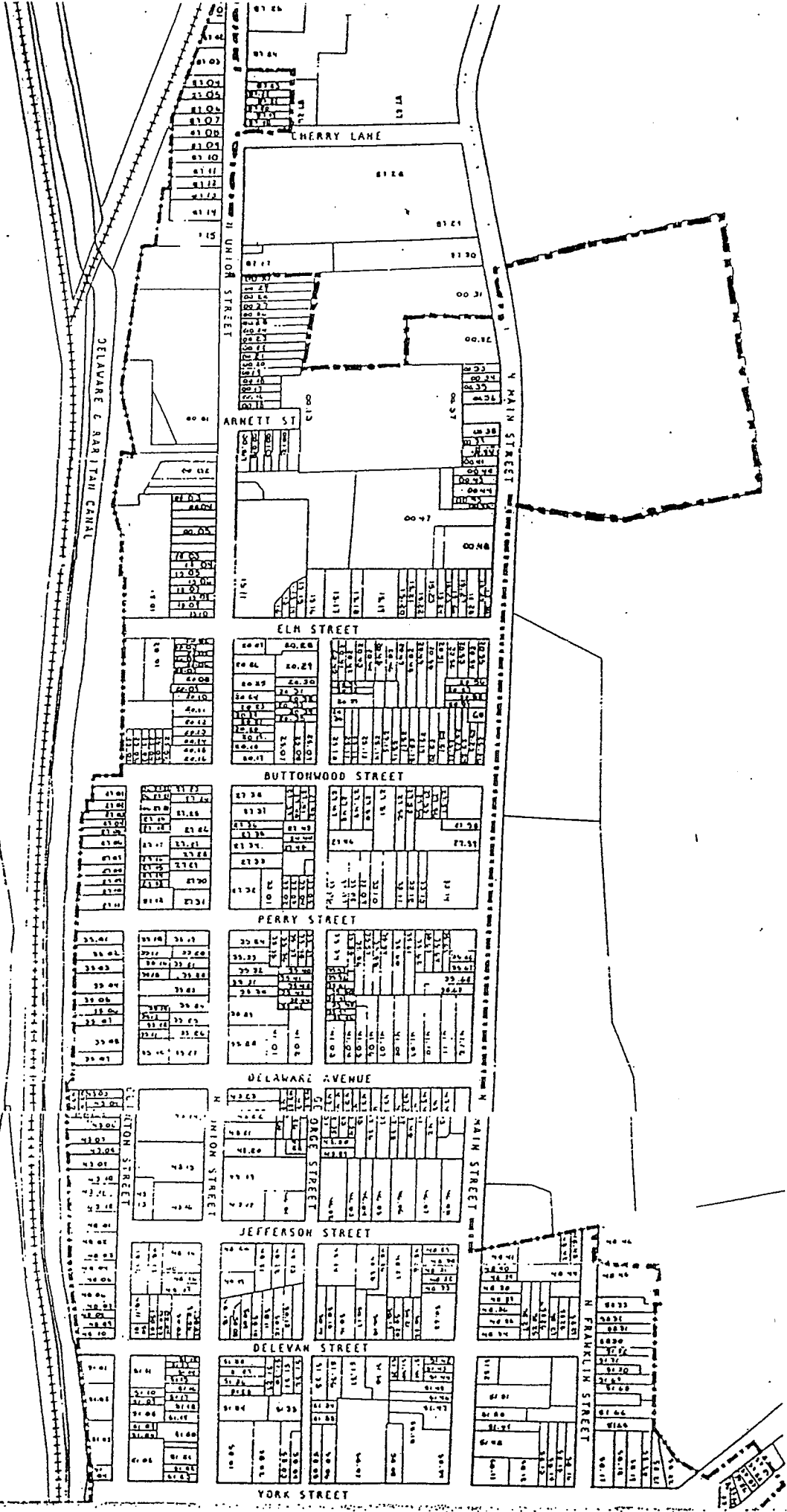
Mary Elizabeth Sheppard
City Clerk



S47-

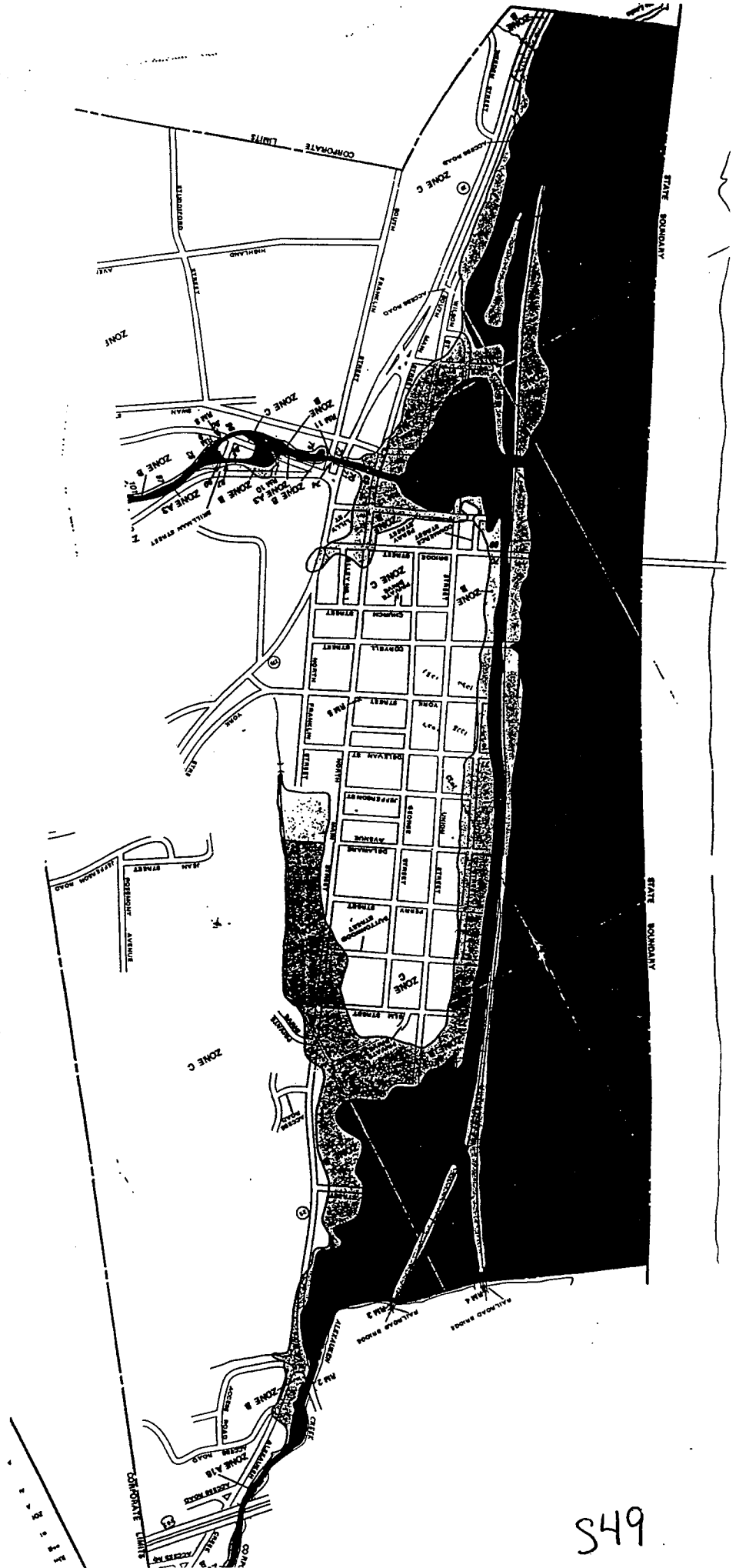
HISTORIC DISTRICT AS DESIGNATED BY DELAWARE AND RARITAN CANAL COMMISSION

HOLCROFT ISLAND



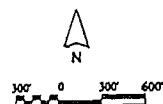
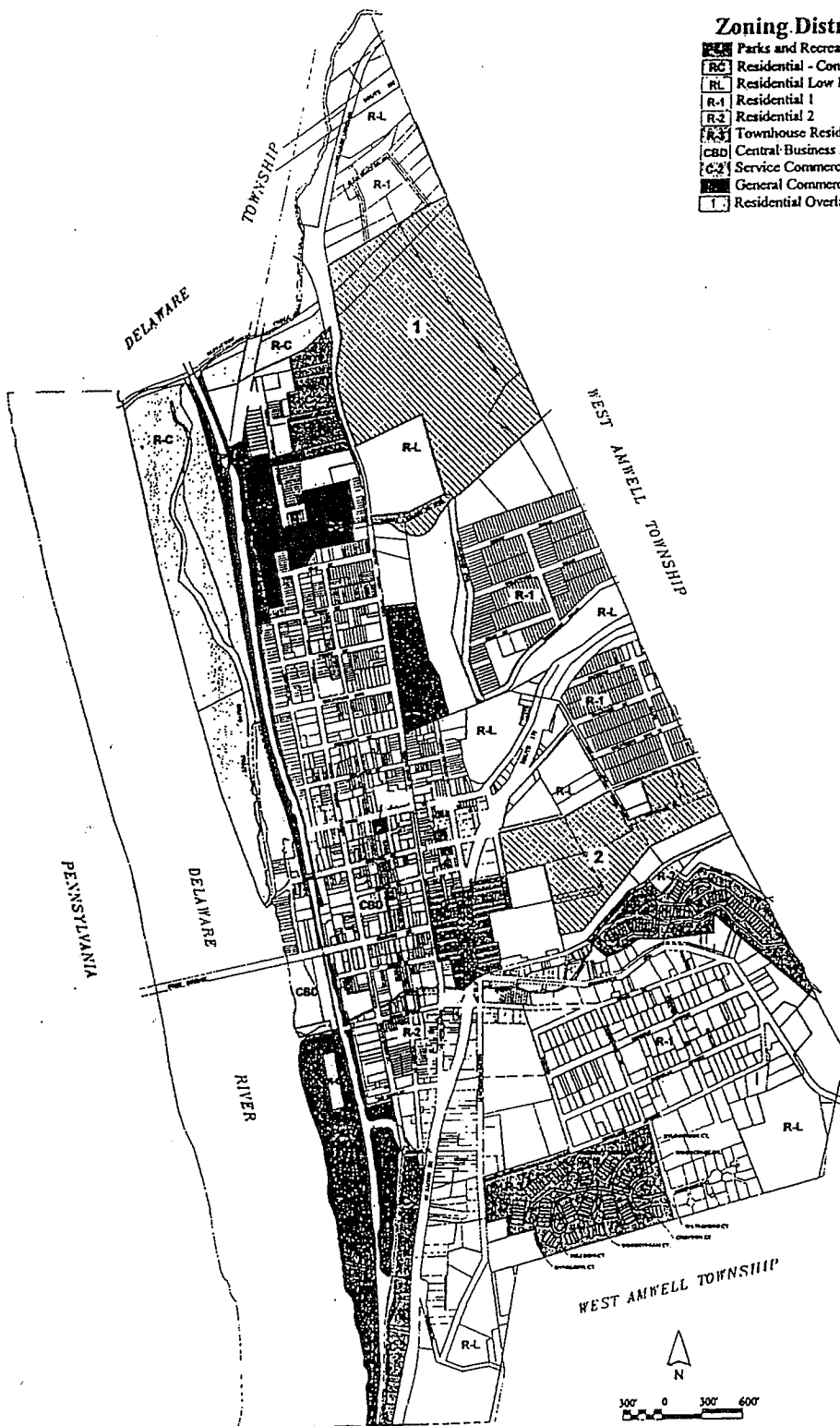
FLOOD INSURANCE MAP FOR THE CITY OF LAMBERTVILLE

COMMUNITY PANEL NUMBER 340237 0001 B Effective April 1, 1981



Zoning Districts

	Parks and Recreation
	Residential - Conservation
	Residential Low Density
	Residential 1
	Residential 2
	Townhouse Residential
	Central Business District
	Service Commercial
	General Commercial
	Residential Overlay Option



LAMBERTVILLE ZONING MAP

DATE: February 20, 2001

CLARKE CATON HINTZ